

Claims Management & Rehabilitation Manual

University of Auckland

MARCH 2010

Foreword

This Claims Management and Rehabilitation manual is designed to assist University of Auckland managers, supervisors and occupational health staff, manage workplace injuries sustained at University of Auckland.

This manual does not attempt to outline responsibilities under the Health & Safety legislation relating to managing hazards and incident reporting and investigation.

WorkAon has been contracted to assist with the management of claims and facilitate the rehabilitation process. Irrespective of the advice and assistance provided by WorkAon, as an accredited employer University of Auckland has a number of responsibilities that must be completed by managers at the worksite.

It is important to remember that while a necessary part of managing of work injuries is the use of providers, such as occupational therapists, specialists, general practitioners and other service providers, the ultimate responsibility for the management of a claim rests with University of Auckland. This means the Chief Executive is ultimately responsible for managing all interested parties involved in the management of our employees.

The Manager's checklist overleaf provides a checklist of the key activities workplace managers need to ensure are undertaken on claims.

March 2010

Work Injury Manager's Checklist			
<i>Step</i>	<i>Action</i>	<i>Due Date</i>	<i>Date Completed</i>
1. <input type="checkbox"/>	<p>Notify WorkAon of Claim</p> <p>Ensure WorkAon is aware of the claim and/or has a copy of the ACC45.</p>	As soon as practicable	
2. <input type="checkbox"/>	<p>Needs Assessments & Action Plans</p> <p>Complete Needs Assessment if the injured person cannot return to their normal duties immediately.</p> <ul style="list-style-type: none"> ▶ Medical needs ▶ Vocational Needs ▶ Social Needs ▶ Initial Action Plan 	Within 2 working days of notification	
3. <input type="checkbox"/>	<p>Claim Forms</p> <ul style="list-style-type: none"> ▶ Complete and forward a claim form to WorkAon. ▶ Check employee list to confirm injured person is an employee of The University of Auckland. ▶ Advise WorkAon of any concerns surrounding whether the injury is work related. 	Within 7 working days of notification	
4. <input type="checkbox"/>	<p>Gradual Process Questionnaires</p> <p>Complete and return to WorkAon.</p> <p>Check injured employee has completed and returned their questionnaire.</p>	Within 7 working days of receipt	
5. <input type="checkbox"/>	<p>Return to Work</p> <p>If the employee is able to return to work, ensure that suitable alternative duties are discussed with the injured employee and their supervisor.</p>	As required	
6. <input type="checkbox"/>	<p>Monitoring</p> <p>If the employee remains at work with medical restrictions, ensure that at least weekly, notes are recorded on how the injured employee is coping.</p> <p>Advise any significant deterioration to WorkAon immediately.</p>	Weekly	
7. <input type="checkbox"/>	<p>Rehabilitation</p> <p>Ensure that rehabilitation meetings are attended at least monthly in a face to face environment to plan and monitor the injured employee's rehabilitation.</p>	Monthly	

Definitions

ACC 45 Form:	The initial treatment certificate issued by a Medical Provider, most normally a General Practitioner, which identifies an injury and its relationship to a work or non work incident. The certificate also identifies whether any time off work is required following the assessment.
ACC18	Medical certificates issued subsequent to the ACC45 medical certificate
Non Lost Time Injury:	A workplace injury which requires no time off work for the injured employee.
Lost Time Injury:	Any injury that involves a staff member losing one full shift of work and there is an ACC45/ACC18 medical certificate provided by the Medical Provider confirming the need for time off work.
Incident:	Any unplanned event resulting in, or having a potential for injury, ill health, damage or other loss.
Incapacity:	The term given to describe the employee's medical restrictions from work.
Alternative duties:	Duties an injured employee is able to perform, that are alternative to their regular duties that they can't perform due to the injury. Alternative duties are sometimes identified as a result of a worksite assessment by an occupational therapist.
Needs Assessment:	The assessment is completed within 2 working days of injury notification for lost time injuries only. This assessment identifies any social, medical or work related needs the employee may have as a result of the work place injury.
Rehabilitation Plan:	A written plan, updated at least monthly, for the duration of a lost time claim which notes any agreed and negotiated interventions designed to track and monitor an employee's recovery from injury and return to work.
Cover Decision:	The written decision which accepts or declines University of Auckland's liability for the work place injury.
PICBA injury:	Personal injury caused by accident – otherwise known as a sudden onset injury.
Gradual Process injury:	An injury (physical, mental, metabolic) resulting from prolonged or multiple exposures to a task or hazardous environmental factor. Gradual process injuries can include noise induced hearing loss, muscle pain and swelling, asbestosis, and dermatitis.
Claim Number:	The individual identification number given to each injured employee's file.
Active intervention case:	A case where there is an assumed gradual onset injury or a perceived health risk to a particular employee carrying out a particular task, and University of Auckland initiates a treatment regime (and possibly task redesign) to avoid continued or potential injury.
Medical Provider:	A medically accredited third party who provides medical treatment, injury management, advice or health monitoring to a University of Auckland employee. Includes doctor, physiotherapist, occupational health nurse, chiropractor, specialist, homeopath, osteopath, audiologist.
Return to work programme (RTW):	A programme instituted by University of Auckland and Medical Providers to rehabilitate injured staff and return them to work as quickly as is reasonable.
Legislation:	Accident Compensation Act 2001.

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1. Introduction

1.1 Partnership Programme Overview

The Partnership Programme is a self insurance scheme for large employers. There are financial, administration, safety and claims management criteria that employers must meet to belong to the Partnership Programme.

The benefits that accrue to University of Auckland by being a member of the Partnership Programme include: -

- ▶ Injured employees have their needs assessed, and receive the appropriate medical treatment faster than if they were managed by ACC
- ▶ Injured employees return to work sooner
- ▶ University of Auckland has developed and maintained systems that prevent harm, and support employees when injured.

Each year University of Auckland must reapply to continue to be a member of the ACC Partnership Programme.

An independent auditor is contracted each year to audit University of Auckland's compliance with the Partnership Programme standards. The sites to be audited each year are chosen by ACC. All standards must be achieved in order to remain in the Partnership Programme.



Did You Know: -

- ▶ University of Auckland is one of approximately 140 large employers in New Zealand who belong to the Partnership Programme
- ▶ Approximately 22.5% of New Zealand's workforce is engaged by employers who are members of the Partnership Programme
- ▶ All staff must be advised each year that University of Auckland intends to remain in the Partnership Programme.

1.2 Self Insurance

Through belonging to the Partnership Programme, University of Auckland pays a discounted ACC levy to the Accident Compensation Corporation. In return University of Auckland must fund the costs associated with all claims that employees make as a result of an accident causing injury at work. University of Auckland engages WorkAon to assist with the management of workplace injuries.



Did you know: -

- ▶ All employees injured as a result of an accident at work are covered by the ACC accident insurance policy. The ACC insurance policy contributes toward the cost of medical care and loss of income
- ▶ As a member of the Partnership Programme, University of Auckland is responsible for managing and funding the regulated costs of all workplace accidents that cause injury to employees, in accordance with the Accident Compensation Act 2001
- ▶ University of Auckland is responsible for managing workplace injury claims from staff for 48 months. Any claims still open after this time will be transferred back to ACC for ongoing management.

2. Cover

Overview

University of Auckland is required to demonstrate: -

1. There is a claims lodgement system that ensures lodgement of workplace injuries.
2. There is a procedure for making cover decisions on work-related personal injury claims that is timely and complies with the legislation, Accident Compensation Act 2001.
3. Cover decision letters state the reasons for decisions and include review rights.
4. There is a process for the transfer of claims that are not the responsibility of the employer (e.g. non-work related claims or those belonging to another employer received in error).

2.1 Claims Lodgement Process

Employees are required to report incidents and provide their ACC45 medical certificate directly to their supervisor/manager/occupational health staff as soon as practicable following a workplace injury. The supervisor/manager/occupational health staff is then responsible for ensuring this medical certificate is faxed directly to WorkAon who will then:-

- ▶ Lodge / register the claim - even if the claim is declined
- ▶ Create a physical claim file with a unique number
- ▶ Investigate the claim to determine whether it has cover under the Accident Compensation Act 2001.

Injury Types

Under the Accident Compensation Act 2001 there are two types of personal injuries that are considered for cover; either injury caused by sudden events (known as Pica injuries) or over a prolonged period of time (known as gradual process injuries).

Sudden or acute event injuries may include: -

- ▶ Lacerations, foreign body in eye, burns, fractures, and strains and sprains

Gradual process injuries, sustained over a period of time may include: -

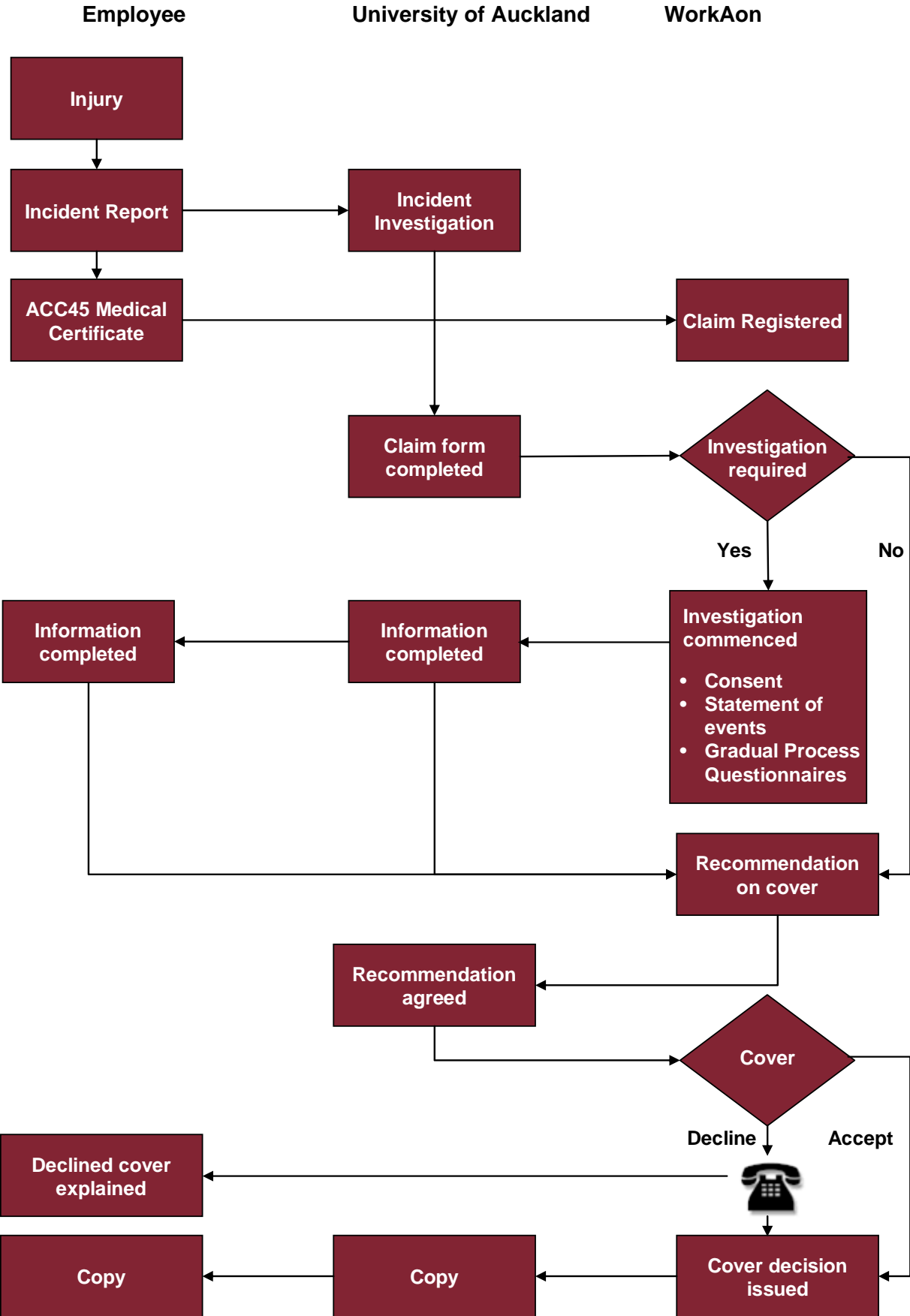
- ▶ Noise induced hearing loss, dermatitis, asbestosis or respiratory disease, and musculoskeletal – otherwise known as OOS (occupational overuse syndrome)



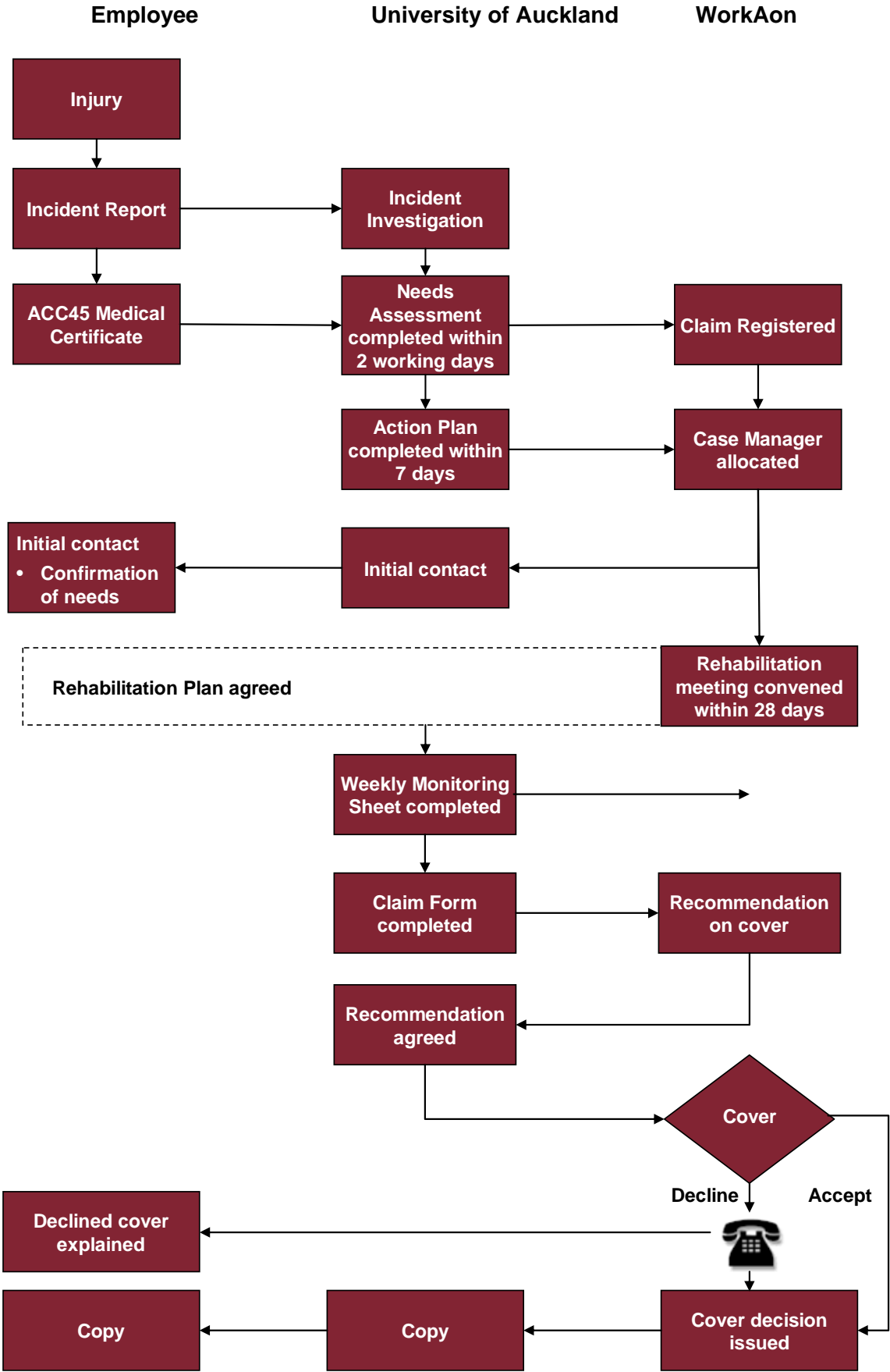
Did you know: -

- ▶ You should notify WorkAon of claims on the day you receive the ACC45.
- ▶ You must contact the employee within 2 working days for an assessment of their needs if they require any time off work.
- ▶ WorkAon must issue a written cover decision as soon as possible – in most circumstances no later than 21 days.

Medical Only Treatment Claims



Lost Time Claims



Please note that: -

- ▶ Cover can only be accepted for gradual process claims if the medical evidence relates to the workplace as being the cause of the injury.
- ▶ Gradual Process Questionnaires are sent by WorkAon to the General Practitioner, the Employee and the Employer. These must be completed for all gradual process claims to assist in determining what work tasks or characteristics may have caused or contributed to the symptoms. *Please note that only a medical practitioner, such as a General Practitioner, can issue an ACC45 for a gradual process injury.*

Accepting the Claim

If a work related accident and injury can be established, for either injury type, WorkAon will: -

- ▶ Accept the claim for cover under section 20 of the Accident Compensation Act 2001 for sudden onset claims, and sections 20 and 30 of the Accident Compensation Act 2001 for gradual process claims
- ▶ Advise the injured worker of the decision in writing
- ▶ Update the claim system to show the claim decision has been made. The decision letters must name the legislation the decision is made under, the reasons why the claim has been accepted, and notify of the right to ask for an independent review of the decision.

Extension of Time for Claim Decision

If a decision cannot be made before the legislated time limit (21 days for non-complicated claims, and 2 months for complicated claims), WorkAon will extend the deadline for determining the claim and issue the extension of time letter. If the injured worker does not agree to the request, in consultation with you as the employer, WorkAon will make a decision as soon as possible before the time limit, or decline cover for the claim based on insufficient information.



Did you know: -

- ▶ **Medical Certificates** - All medical certificates must include anticipated period of incapacity and either the clearance date for return to work or the date of next assessment.
- ▶ **Time extensions for cover decisions** - If a claim decision is unable to be made within the 21 day time frame WorkAon will advise the employee in writing of a time extension, not exceeding 4 months.
- ▶ If a time extension is not obtained, claims are accepted as deemed decisions under the law.

Relevant Legislation for this Section

Section 20 Cover for personal injury suffered in New Zealand or

Section 30 Personal injury caused by work-related gradual process, disease, or infection

Claim Forms & Questionnaires

Prior to making a decision on whether a workplace claim has cover, designated staff are required to submit a claim form recommending the claim be:

- ▶ Accepted
- ▶ Declined
- ▶ Investigated
- ▶ A claim form is attached in the appendices, or can be accessed online at www.workaon.co.nz.
- ▶ Where a claim is a gradual process claim, questionnaires will be sent to the injured employee's Manager so that the employee's work environment and work tasks that may contribute to their condition are understood.



Did you know: -

- ▶ Where a gradual process injury occurs the obligation is on the employer to prove that the claim could not have arisen from the work tasks and work environment.
- ▶ It is important that both the Employer and Employee gradual process questionnaires are completed and returned so that a decision on cover can be established.

Staff Awareness

At least annually staff need to be reminded of the fact that University of Auckland is a member of the ACC Partnership Programme, and how the claim lodgement process works, and what their entitlements are if they have a workplace accident.

University of Auckland provides an annual renewal memo to all staff each year reminding them of continuance in the ACC Partnership Programme. Additional information can be obtained from WorkAon, including wallet cards and posters to assist with this awareness.

2.2 Declined Claims

If a work related accident and/or injury cannot be established, the claim will be declined as having cover. WorkAon will advise the injured worker and then confirm the decision in writing. The decision letters must: -

- ▶ Name the section of the legislation under which the decision is made
- ▶ Name the reasons why the claim has been declined
- ▶ Give notification of the right to ask for an independent review of the decision

Any unfavourable decision to the employee must be discussed with the employee prior to notification. When an employee cannot be contacted, WorkAon will ask the local supervisor/manager/occupational health staff to advise the employee and confirm that this has occurred.



Did you know: -

All decline decisions (including cover decisions and claims for entitlements) must be discussed with the employee prior to the written decision being issued.

Relevant Legislation for this Section

Section 20 Cover for personal injury suffered in New Zealand or
Section 30 Personal injury caused by work-related gradual process, disease, or infection

2.3 Fatal Claims

If a fatal claim occurs University of Auckland's Health, Safety & Wellness Manager is to be advised immediately.

University of Auckland's Health, Safety & Wellness Manager should make contact with WorkAon's General Manager or National Operations Manager as soon as practical to agree a course of action and identify the entitlements payable to any surviving dependants.

University of Auckland's Health, Safety & Wellness Manager will make contact with ACC.



Did you know that : -

Dependents of a fatal claim are entitled to:

- ▶ a funeral grant
- ▶ a surviving spouse grant
- ▶ a dependent child survivors grant for each child
- ▶ weekly compensation for five years or until the youngest child reaches 18 years
- ▶ childcare payments for children under the age of 14 years

2.4 Claim Transfers

Claims may be transferred to ACC where: -

- ▶ The claim has been received in error e.g. non-work claim, or other employer
- ▶ The agreed claims management period has expired and a claim file is still open
- ▶ Cover cannot be granted and the employee requested that ACC make the final decision
- ▶ Medical evidence supports the reaggravation of a previous injury for which ACC has liability
- ▶ Sensitive claims

A transfer summary form will be completed for each claim transferred. Where a claim is transferred at the end of a claim management period an ACC413 form will be completed by WorkAon and forwarded to ACC that includes details of the rehabilitation provided and a brief history of the claim.

WorkAon will undertake this process on behalf of University of Auckland.

***Relevant Legislation
for this Section***

Section 28 Work-related personal injury

3. Entitlements

Overview

University of Auckland is required to demonstrate: -

1. There is a procedure to ensure injured employees are aware of their entitlements and of the process for applying for those entitlements
2. There is a process for assessing injured employees' eligibility to entitlements according to the legislation
3. There is a process to obtain a signed, informed consent from an employee before the collection and release of information relevant to a claim
4. There is a procedure to ensure that employees receive accurately calculated weekly compensation according to the provisions of the legislation.



Did you know: -

All entitlements under the Accident Compensation Act 2001 are the responsibility of University of Auckland. The cost of some long term care and modifications to assets may be shared with ACC but University of Auckland is responsible for initiating the entitlement assessment.

3.1 Needs Assessments

A Needs Assessment must be completed within 2 working days of receiving notification of the injury for all lost time injuries – claims where an employee is unable to return to their normal occupation with University of Auckland. The responsibility for this task needs to be assigned to an appropriate person for each worksite.

The needs assessment will consider the following criteria: -

- ▶ Medical needs – including treatment, and pharmaceuticals
- ▶ Social needs – including assistance with household tasks and personal cares
- ▶ Vocational needs – such as capacity to return to work, weekly compensation needs, and transport assistance

If there is a change in circumstance from the initial needs assessment, a further needs assessment must be completed.

University of Auckland staff can complete the Initial Needs Assessment form attached at the end of this manual or access the online Needs Assessment form through the WorkAon website at www.workaon.co.nz.

3.2 Medical Entitlement

The term medical entitlements normally relates to the medical treatment an injured employee will require as a direct result of their work injury. Medical treatment normally refers to: -

- ▶ General Practitioner visits
- ▶ Referred treatments - physiotherapy, osteopathy or chiropractic treatment
- ▶ Specialist consultations
- ▶ Prescribed medication
- ▶ Imaging – x-rays and MRI scans
- ▶ Surgery



Did you know: -

University of Auckland should only pay the medical costs associated with treatment for work injuries under the ACC approved contracts.

An employee can claim for costs associated with receiving medical treatment for their work injury, but there are specific criteria which include seeking treatment from the closest treatment provider to the employee's home.

3.3 Social Entitlements

Social rehabilitation may be appropriate where it is identified that without the appropriate intervention, it is expected that the claim will exceed the expected duration.

The eligibility to social rehabilitation is outlined in section 12, schedule 1, Accident Compensation Act 2001 and may include

- ▶ **Home Help** – where the injured employee is responsible for the home help task at the time of injury, or is not responsible but has become so due to changed circumstances
- ▶ **Child Care** may be eligible if the injured employee is in a parent / child relationship and the child / children are under 14 and the injured employee is the primary care giver
- ▶ **Attendant Care** – if the injured employee is unable to perform basic self cares due to the injury for a period of incapacity e.g. post surgical
- ▶ **Aids / Appliances** - where these have been assessed and prescribed by the appropriate registered professional
- ▶ **Transport to treatment** – where it can be demonstrated that the costs are reasonably required as an ancillary service to treatment. 28c/km for travel more than 20km 1 way, or travel is more than 80km in 1 calendar month

Social rehabilitation entitlements will be assessed according to: -

- ▶ A need identified through the rehabilitation process where an injury is affecting the individuals ability to carry out every day functions
- ▶ After a written request is received from the employee and/or treatment provider

**Did you know: -**

- ▶ Ideally social rehabilitation entitlements should only be paid after an OT (Occupational Therapist), or other suitably qualified professional, has assessed the employee's need for social assistance.
- ▶ University of Auckland and ACC are unable to pay a spouse, or other person who lives in the home with the injured employee, to perform home help but can fund agencies or private providers who live outside the injured workers home.

3.4 Vocational Entitlements / Rehabilitation & Returning to Work

The purpose of vocational rehabilitation is to assist the injured worker as appropriate to maintain employment, obtain employment, or to regain or acquire vocational independence. When meeting with the injured person to negotiate and agree a rehabilitation plan both parties should also refer to the vocational rehabilitation fact sheet.

**Did you know: -**

- ▶ University of Auckland will create alternative duties for all employees unable to return to their normal occupation as a result of a work injury, where-ever practicable.
- ▶ Most injuries (between 80-90%) do not require vocational rehabilitation, as they have less than 5 days off work.

3.5 Weekly Compensation

Most injured employees will be able to continue their normal work tasks with University of Auckland, but for those who are unable to return to work or who can only return to part time alternative duties – a weekly compensation calculation needs to be completed.

The employee must provide medical certification, ACC45 or ACC18, for the days on which weekly compensation payments are to be made.

University of Auckland must confirm the calculation by letter to the injured person and retain this information on the claim file.

Weekly compensation entitlements are calculated as follows: -

First Week

From first full day off work until 7 working days payment is based on 80% of the pay for the 7 days prior to the accident.

Next Four Weeks

The next 4 weeks (weeks 2 through 5) are paid at 80% of the average pay for the 4 full weeks prior to the accident.

After 5th Week

After the 5th week payment is based on 80% of the average weekly pay for the 52 weeks prior to incapacity. This includes earnings from any previous employer and any part time work that cannot be carried out because of the injury.

The Payroll Manager will do a check on all weekly compensation calculations to ensure accuracy.

If University of Auckland elects to pay more than the 80% compensation, the injured employee must be advised of the following: -

- ▶ What the calculated 80% entitlement would be
- ▶ What University of Auckland has elected to pay
- ▶ That only the statutory level of entitlement will be paid if the claim is returned to ACC

The maximum weekly compensation payable based upon the statutory level of entitlement. This is increased in July each year by Order in Council, commonly referred to as indexation.



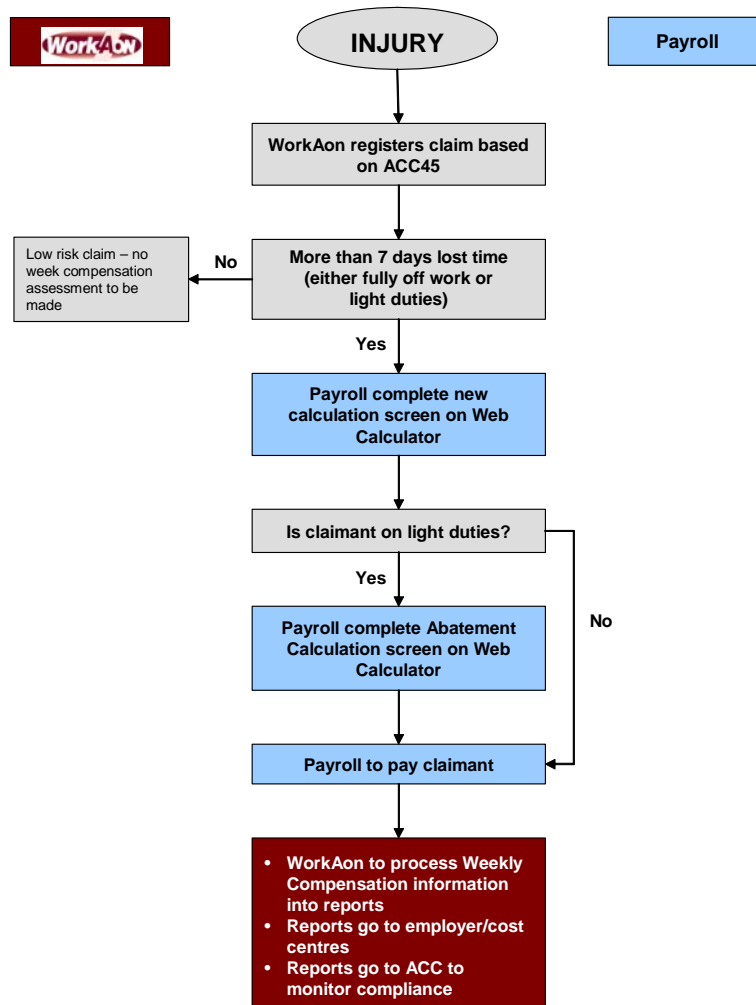
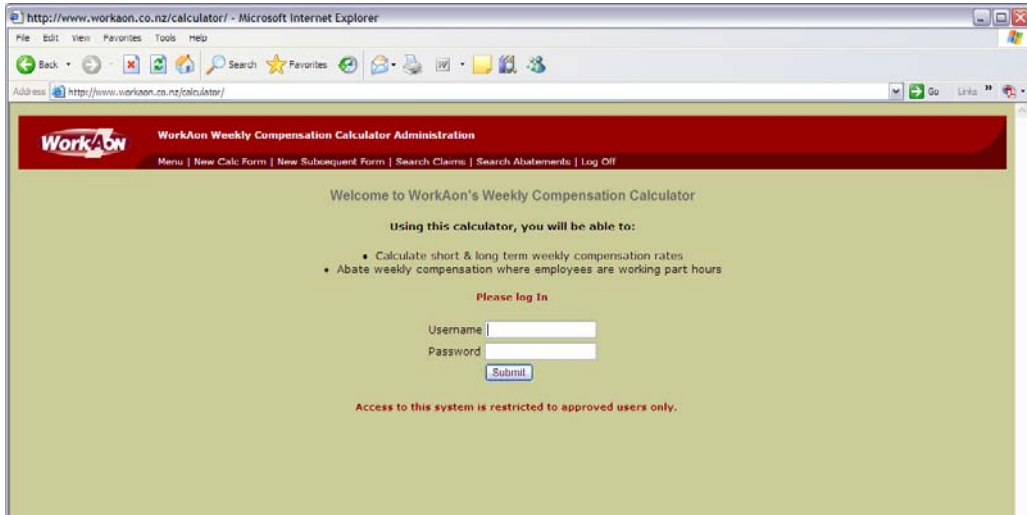
Did you know: -

- ▶ When gathering earnings information to calculate the correct weekly compensation entitlement you must confirm whether the employee holds secondary employment.
- ▶ If the injured employee is paid more than their 80% minimum entitlement, you are required to advise them in writing
- ▶ If University of Auckland has terminated the employment of the injured employee and the employee is unlikely to get a medical clearance to return to their normal duties – then University of Auckland is likely to be liable for at least 80% weekly compensation entitlement being payable for the entirety of the rehabilitation process (unless the employee obtains alternative employment during that time).

Calculating the Compensation

University of Auckland's payroll staff have access to WorkAon's Compensation Calculator. This assists your payroll staff calculate the correct rate of compensation, and any top-up, payable to injured employees.

Payroll staff have individual User IDs and Passwords.



Indexation

Annual indexation is the term used to describe the annual increase in the base rate of weekly compensation to employees who receive this entitlement for more than 6 months. The level of % increase is determined by ACC.

The employee must be advised in writing of any changes to their weekly compensation due to indexation.

3.6 Privacy & Consent

The Privacy Act is designed to promote and protect individual privacy in line with international conventions, and to provide guidelines on collecting, using, storing and releasing information relating to individuals.

A consent form should be completed by the injured worker and kept on the physical file at the beginning of a claim, before any information is requested from, or released to, other parties. The consent form needs to be updated annually for all open claims.

The information privacy principles are as follows:

- ▶ The least possible amount of personal information must be collected to meet our needs to properly assess claims
- ▶ The individual concerned must know of, and consent to, the collection of personal information
- ▶ Information is kept secure
- ▶ Any person has the right to access and correct any information about themselves that we obtain in relation to their claim
- ▶ Information is used for the purpose that it was collected
- ▶ There are limits on what information can be released



Did you know: -

- ▶ A signed consent must be provided by an injured employee to collect information from their Treatment Provider
- ▶ A relevant claims history can be obtained from ACC where a signed consent form is provided
- ▶ A consent form should be re-signed annually if the claim remains open and ongoing.

4. File Management

Overview

University of Auckland is required to demonstrate: -

1. All claims information is collected and stored correctly in accordance with the relevant legislative requirements
2. A process exists to prepare and transfer claims according to ACC specifications

4.1 Employer Files

WorkAon holds the official claim file. Employers may retain copies of documents on a H&S file for individual employees. These files need to: -

- ▶ Be kept separate from personnel files
- ▶ Be held securely



Did you know: -

- ▶ Each claim file must contain any information relevant to the management of the individual claim, and must be kept separate from staff personnel files.
- ▶ The injured employee can ask for a full copy of their job / claim file at any time.

4.2 ACC Claims Hand back

ACC Claims Hand back occurs when the agreed management period has expired and the claim remains open. Normal procedure will see ACC sending University of Auckland a list of claims due for ACC Claims Handback in March, in December of the preceding year.

All files transferred to ACC will contain a completed transfer summary report, known as the ACC413.

All claims being transferred to ACC should be reviewed and signed off by University of Auckland to ensure accuracy of payments and rehabilitation.

5. Data Reporting

Overview

University of Auckland is required to demonstrate: -

1. The employer has a computer reporting system that contains all data requested by ACC.
2. Monthly reports are to be received within 5 working days of month end and in a format specified by ACC.
3. There is a process to identify and manage issues of inappropriate claiming or fraud independent of the ongoing injury management of a claim.
4. There is a process to liaise with, and notify ACC regarding: -
 - ▶ Fatal claims, serious injury claims or claims of a sensitive or complex nature
 - ▶ Changes in the employer's injury management operation or injury management personnel

5.1 Data Recording & Reporting

WorkAon is responsible for registering all claims and loading all transactions into the Figtree System. These transactions include:

- ▶ Cover decisions
- ▶ Treatment provider payments
- ▶ Claim closure dates
- ▶ Weekly compensation payments
- ▶ Electronic notes

ACC Reporting

Figtree used to record ACC data is backed up daily by Aon New Zealand's IT Department.

Figtree is supported by Aon New Zealand's IT Department. Aon New Zealand Ltd has a dedicated IT resource to support Figtree and office systems.

WorkAon is responsible for ACC Reporting and liaises with Manager, Business Development (Data Files) at ACC.

Digital Certificate

WorkAon has an electronic digital certificate that allows monthly data reporting to ACC on behalf of University of Auckland.



Did you know: -

As the Individual Rehabilitation Plan is an agreed document between University of Auckland and the employee it is essential that proper records are kept to record plans, progress and monitoring procedures.

5.4 Fraud

All reasonable steps will be taken to prevent, identify and act upon fraudulent claims:

- ▶ A claim will not be accepted as work related without the appropriate supporting evidence. Where validity is in question, further information will be sought to clarify the actual situation
- ▶ All invoices will be matched to a registered claim before payment
- ▶ A thorough investigation will occur where University of Auckland suspects fraud or where fraud is reported

Where it has become apparent that an inappropriate claim has been made, or there is a question over fraud e.g. multiple claims, reports on inappropriate activity, the following process will occur: -

- ▶ Set up separate file containing fraud evidence
- ▶ Investigate and collect evidence on separate file and action as appropriate
- ▶ A referral to the ACC Fraud Unit will be organised by WorkAon. This will be actioned as soon as practicable
- ▶ The Fraud investigation process must be managed independently by an ACC Fraud Examining Officer. A separate file (clearly labelled 'investigation file') must be separate from the client file.



Did you know: -

- ▶ All reports of fraud must be referred to ACC Fraud for investigation by WorkAon at no cost to University of Auckland
- ▶ Further information will be requested from injured employee to verify reports.
- ▶ Payments will be suspended or cancelled if it is established that the injured employee is not eligible for payment of entitlements
- ▶ If fraud has been committed, consideration will be given to prosecution in the courts
- ▶ In the event of an overpayment recovery may be sought.

5.5 ACC Liaison

All formal ACC Liaison is facilitated by the Health, Safety & Wellness Manager.

University of Auckland's Health, Safety & Wellness Manager is required to advise ACC in writing of any work-related claims that are fatal, serious, sensitive, prolonged or complex in nature. In some cases this may involve discussing the possible transfer of the claim to ACC for ongoing management.

University of Auckland's Health, Safety & Wellness Manager is also required to notify ACC in writing of any changes in their injury management operations or people prior to the change occurring.

6. Disputes

Overview

University of Auckland is required to demonstrate: -

1. There is a disputes management procedure according to the requirements of the legislation and accredited employer agreement.
2. There is a designated senior person(s) responsible for dispute management (not the initial decision-maker).
3. Employees are aware of the disputes management process and rights of review and appeal and have access to the designated “disputes manager”.
4. There is a process for the evaluation of dispute management outcomes to ensure that opportunities for improvement are identified (where applicable). *(Care must be taken to protect the privacy of individuals in reviewing dispute outcomes.)*

6.1 Disputes Procedure

A dispute is the term given to any time an injured employee may be concerned or frustrated about any element of their claim. This can include anything from a late payment to a provider or University of Auckland declining cover for the workplace injury. Injured employees must be advised of their right to seek a review of any decisions made.

At University of Auckland, disputes are managed in the following ways:

- ▶ A staff member may ask University of Auckland for a review of a claim decision, provided the request is made within three months of University of Auckland advising the staff member of their written decision on the claim. Applications for review must be in writing. Staff members must also state their reasons for requesting a review
- ▶ University of Auckland wants to ensure that any disputes are resolved quickly and with the agreement of all parties. In most cases a meeting between the injured person and University of Auckland staff will resolve the issue. In some cases, a neutral facilitator may be used to assist the parties in working through the issues or alternatively the matter may be referred to an independent expert of provide an opinion on the issues
- ▶ If the dispute is not resolved by any of the above processes, WorkAon will send the application for review to Disputes Resolution Service. The Accident Compensation Act 2001 provides for a formal review process using an independent Reviewer appointed by ACC, who reassesses the decision and imposes an outcome on the parties. Staff members can choose to have a support person attend the review hearing with them
- ▶ In the event of a claim decision being lost by University of Auckland at a formal review, then the disputes resolution contact person will keep a record of the outcome and will initiate an evaluation of the processes to identify opportunities for improvement.

**Did you know: -**

- ▶ University of Auckland operates an informal disputes process designed to work with the concerns of the injured employee to reach a mutually agreed resolution.
- ▶ Employers are required to fund the cost of dispute hearings and the costs awarded to injured employees. In most cases it is cheaper to discuss and resolve disputes.

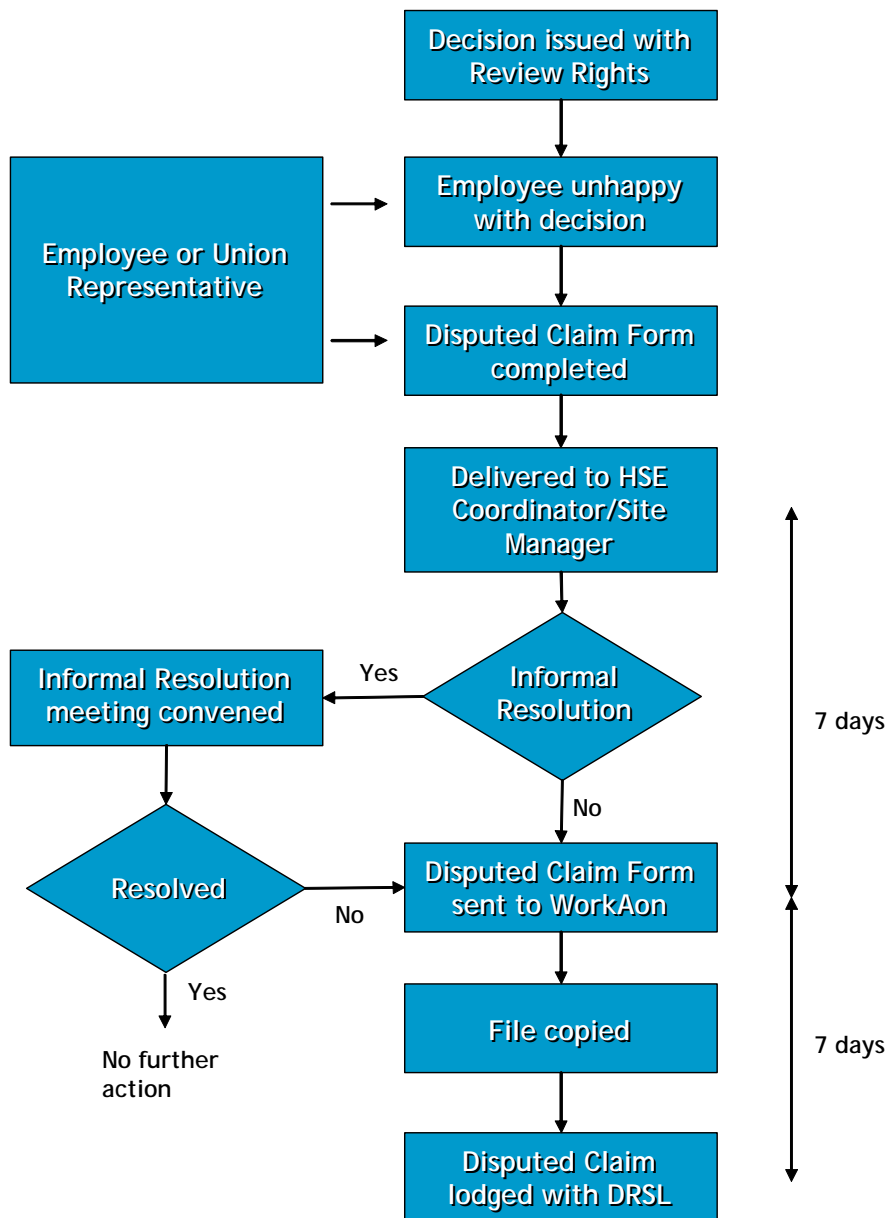
6.2 Reviews

Employees will be advised in writing of all decisions regarding their claim, and their right to seek a review of any decision.

The University of Auckland Disputes Manager will conduct a review of all disputed outcomes annually to assess the nature of reviews, and ensure that all necessary changes to policy and procedures are implemented.

Any injured employee can seek a review of any decisions taken by University of Auckland in regard to their claim.

- ▶ Where an injured employee is unhappy with any aspect of the management of their claim, this will be referred back to the Disputes Manager to consider informal resolution in the first instance, e.g. meeting with relevant parties. Where informal resolution is not appropriate or effective, a review application will be sent to the injured employee
- ▶ When an injured employee seeks a review, a review application form must be mailed to them by WorkAon
- ▶ When a review application form is received, the original copy of the claim file is to be forwarded to Dispute Resolution Services Ltd by WorkAon within 5 days
- ▶ The Disputes Manager will conduct an administrative review. This will usually involve WorkAon's Legal Advisor. If the decision is altered as a result of the administrative review, the injured employee is to be advised of the decision in writing



Did you know: -

- ▶ All decisions on cover or entitlements must include a section on review rights.
- ▶ Any injured employee can seek a review of any decisions taken by University of Auckland in regard to their claim.
- ▶ The Review Officer's decision is binding on all parties.

6.3 Code of Rights

Under the Accident Compensation Act 2001, a Code of Claimant Rights has been developed and applies to all injury claims managed by ACC and Accredited Employers.

The Code outlines the rights that an injured employee has in regard to how they are treated when they make a workplace accident claim. The same rights apply to how ACC must interact with all claimants they deal with.

There are no financial awards if the Code is breached, however directives may be issued to apologise and/or amend procedures if complaints are substantiated.

Employer Responsibilities

As an employer, you are required to:

- ▶ Treat all Employees who make claims with respect, dignity and honesty
- ▶ Make a copy of the code available to any staff member who requests this
- ▶ Investigate and respond to any concerns or issues staff have in regard to a possible breach of their rights by Supervisors, Managers or WorkAon

Concerns and Complaints

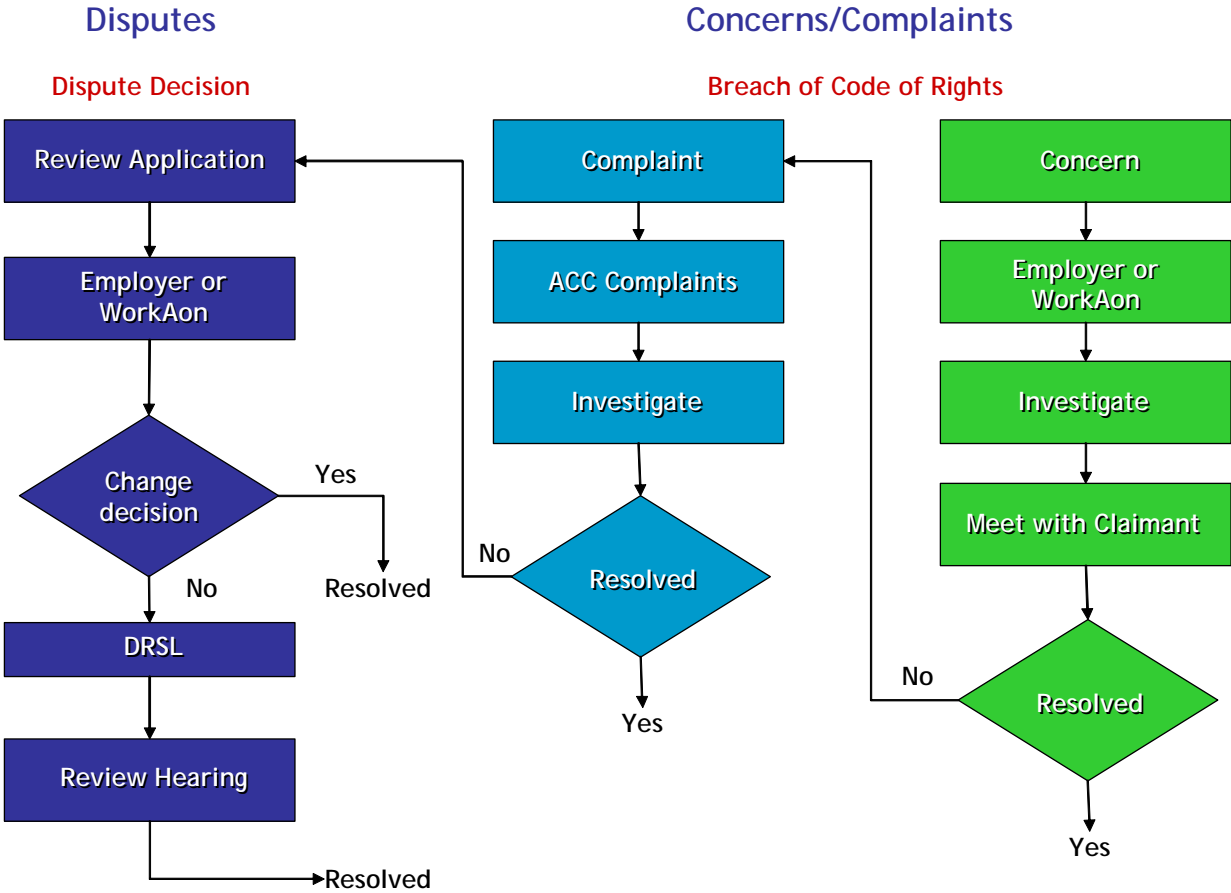
All injured Employees can either raise concerns or issues about a potential breach of their rights with either their employer or WorkAon. They can also complain direct to ACC who will investigate and determine the action required to resolve the complaint.

WorkAon Procedure

WorkAon has developed a one page fact sheet that will be handed out with other fact sheets when case conferences are held with injured employees.

A Code of Claimant Rights & Concerns Register has also been developed to record any concerns raised, and how these concerns were investigated and the nature of the response.

The following diagram outlines how concerns and complaints should be handled:



7. Rehabilitation & Alternative Duties

Overview

University of Auckland is required to demonstrate: -

1. Documented procedures for early intervention strategies, including managing the recovery of employees following injury, and intervention as soon as a potential gradual process injury is identified
2. Line managers and union and other nominated employee representatives actively involved in rehabilitation management understand the process of maintaining employees in the workplace and supporting safe and early return to work
3. Injured employees are informed and understand the process and responsibilities for rehabilitation, including the need for early intervention
4. There is a process to monitor, evaluate and review rehabilitation plans and outcomes
5. Procedure to assess an employee's rehabilitation needs (includes both initial assessment and ongoing rehabilitation requirements)
6. Where the need for rehabilitation is identified, an individual rehabilitation plan is developed in consultation with relevant parties and based on legislative requirements
7. Rehabilitation plans are developed, monitored and reviewed at agreed timeframes for the duration of rehabilitation
8. The employer has a process established that identifies suitable alternative duties and is committed to providing these duties (when available)

Definition of Rehabilitation

Rehabilitation may be defined as the process whereby a person who has suffered personal injury regains or acquires the skills necessary to optimise physical, mental, vocational and social functionality.

This means that University of Auckland works in partnership with the injured employee, together with other interested parties such as support people, GP's and treatment providers, to provide the appropriate medical and work related care to assist in the injured employee's recovery.



Did you know: -

- ▶ Rehabilitation is the process of positive action by which an employee who has suffered a Lost Time Injury is encouraged to regain or acquire the skills necessary to rejoin the workforce with the optimal physical and social functions.
- ▶ Rehabilitation Plans are not required for minor injuries where the employee can remain at work performing their normal duties.

7.1 Rehabilitation Programmes & Returning to Work

Initial Action Plan

All injuries which involve lost time (including where an employee remains at work on light or alternative duties) are to be assessed for immediate rehabilitation. At times it will not be possible to arrange a rehabilitation meeting within 7 days of an injury occurring. In these circumstances an initial action plan must be developed.

An initial action plan may enable an early return to work on duties other than the employee's normal ones provided these are suitable and available, or it may require the employee to adhere to the instructions of their treatment provider until a rehabilitation meeting can be arranged.

This may involve:

- ▶ A return to work with modification of the tasks or environment
- ▶ A change in work hours
- ▶ Assistance to source suitable work with another employer inside or outside the Group
- ▶ Rest & recuperation



Did you know: -

An Initial Action Plan must be established within 7 working days from the date of first incapacity.

Planning Rehabilitation

The injured person has a right to rehabilitation. They are responsible for their own rehabilitation to the extent that is it possible and having regard to the individual's condition. The Accident Compensation Act 2001 requires that the individual takes responsibility for his/her own rehabilitation and makes it clear that the employer does not accept responsibility alone. The role of the employer is to facilitate the rehabilitation process.

The purpose of a **Rehabilitation Plan** is to assist in identifying the: -

- ▶ Injured person's entitlement to rehabilitation
- ▶ Desired long term case management outcomes for a particular case
- ▶ Immediate case management objectives
- ▶ Specific actions needed to achieve the outcome and objectives.

A Rehabilitation Plan shall be drawn up in writing for any Lost Time Injury with an expected absence of 5 days or more and conform to the rehabilitation objectives of University of Auckland. The Plan must include (but is not limited to): -

- a) Short and long term goals with realistic time frames nominated
- b) Timetable to allow monitoring, medical review and updates
- c) Responsibility for any necessary supervision, training or workplace adjustment
- d) Responsibility for monitoring return to work, duties, hours, problems
- e) Rights of Review.

The rehabilitation plan is an agreed document and must be developed and monitored in face to face interviews with key workplace personnel e.g. injured employee, supervisor/managers, occupational health staff, medical practitioner and on request union or nominated employee representative. It is a 'living' document and must be monitored, reviewed and updated at least every four weeks or at agreed intervals.

'Return to Work' is the term used to best describe the process to return the injured employee back to their normal work tasks following injury.

A Return to Work focus normally includes: -

- ▶ A worksite assessment to determine what work tasks are suitable during recovery from injury
- ▶ Identification of an alternative duties list for the injured employee's GP and University of Auckland supervisor/manager
- ▶ Incorporating any actions relating to the Return to Work onto the agreed and time framed Rehabilitation Plan – as discussed in the previous section

Face to Face Meetings

Rehabilitation Plans must:

- ▶ Be conducted through a face to face meeting
- ▶ Be signed off by the employee, any employee support person (if present at the meeting) and a representative of the employer
- ▶ Have consultative review completed at 4 weeks

Your WorkAon Case Manager will facilitate the rehabilitation plan and write this out for all parties to sign during a meeting where the actions and interventions are agreed.

Weekly Monitoring

Monitoring of rehabilitation progress must occur weekly by the supervisor/manager for the duration of the rehabilitation. This needs to be documented on file notes and activity sheet. These monitoring notes need to be forwarded to WorkAon at least monthly throughout the life of the claim.

Injured Employee Responsibilities

WorkAon will establish that the employee understands his/her responsibility under Section 72 of the Accident Compensation Act 2001 Act and that the employee is informed of the potential outcome of non-participation before suspension or cancellation of entitlements. This will be explained at the Rehabilitation Plan meeting.

Please note:

- ▶ Where an employee fails to meet their responsibilities to participate in rehabilitation, as agreed in their rehabilitation plan, University of Auckland may need to suspend the injured employee's weekly compensation. This action would require prior discussion with the employee to determine whether the employee's refusal or decline to participate in rehabilitation was deemed reasonable by the employer.
- ▶ While the Rehabilitation Plan is not a contract, it is a reviewable document as actions noted are deemed to be decisions. Any actions that University of Auckland agree to must be met or where changes are made these must be made in consultation with the injured employee at all times.

Non Progressive Rehabilitation

Most injured employees will return to their normal work tasks within 3 months of sustaining their workplace injury, however for those employees whose injuries do not resolve, a range of assessments are required to plan ongoing rehabilitation interventions.

The Vocational Independence Process (VIP) is a process outlined in the legislation for assessing and matching the skills an injured employee has with their medical capabilities. This process should be considered after three months, or when other rehabilitation interventions have been completed, for employees who are unlikely to return to their pre-injury role.

Managers should discuss non-progressive rehabilitation interventions with their WorkAon case manager when initial rehabilitation goal dates have expired, or when they believe the rehabilitation is not achieving a satisfactory outcome.



Did you know: -

- ▶ No return to work should be approved without full medical clearance
- ▶ Supervisors/managers are responsible to ensure that any employees returning to work on alternative duties or duties other than their normal work are fully inducted and trained in the activity offered
- ▶ Remember the IRP (Individual Rehabilitation Plan), and any decisions within that IRP (the interventions) are reviewable decisions - so ensure your Employee receives a copy of the IRP fact sheet at least once. When you create your initial IRP tends to be the most sensible time.

**Relevant
Legislation for
this Section**

Section 71 Employer's obligations in relation to rehabilitation

Section 72 Responsibilities of claimant who receives entitlement

7.2 Rehabilitation Roles & Responsibilities

Supervisors / Managers

Supervisors / managers are responsible for:

- ▶ Preventing accidents and injury by providing a safe and healthy work environment within their areas of operation
- ▶ Taking all practicable steps to see that all staff in areas under their control are aware of the accident reporting system, know where to obtain the appropriate form and report such events when they occur
- ▶ Arranging for appropriate first aid and emergency care (or other assistance) where required if an accident does occur
- ▶ Liaising with Payroll to ensure that weekly compensation payments are paid during any period of incapacity
- ▶ Recognising that the prompt return to work of a staff member is a normal practice and expectation
- ▶ Remaining in supportive contact with a staff member who is off work as a result of injury
- ▶ Identifying suitable alternative duties, where possible, to enable an early return to work for the Staff member
- ▶ Confirming that a rehabilitation plan is established, if appropriate, following a lost time accident
- ▶ Monitoring the staff member's progress towards recovery and the suitability of the alternative duties and/or rehabilitation programme
- ▶ Taking steps to see that appropriate levels of confidentiality are maintained consistent with the principles of the Privacy Act 1993
- ▶ Reviewing health & safety management after a critical event, or if there is a change in work procedures or health & safety policy

Union and/or Employee Representative

- ▶ Be familiar with University of Auckland's Health & Safety policies, procedures and guidelines and participate in the review of such documents or development of new ones
- ▶ Foster positive health and safety management practices in places of work
- ▶ Identify and bring to University of Auckland's attention hazards in the place of work and discuss with University of Auckland ways that the hazards may be dealt with
- ▶ Consult with inspectors on health and safety issues
- ▶ Participate in the local Health and Safety Group, where applicable
- ▶ Participate in Audits, where applicable
- ▶ Make every effort to attend regular Health and Safety Forum meetings and contribute to forum activities

- ▶ Promote the interests of employees in a Health and Safety context generally and in particular those employees who have been harmed at work, including in relation to arrangements for rehabilitation and return to work
- ▶ Undergo appropriate training
- ▶ Maintain confidentiality on any personal or non-health and safety information obtained

Employee Responsibilities

Every staff member is responsible for:

- ▶ Observing any established Health and Safety procedure that relates to the work performed
- ▶ Participating in relevant Health and Safety training
- ▶ Reporting and documenting all accidents, incidents, observed hazards to their supervisor/manager/occupational health staff (as per University of Auckland' procedures) and informing their supervisor/manager if there is any requirement for time off work
- ▶ Obtaining initial medical treatment from a registered Treatment Provider of his/her choice (this must be a registered medical practitioner if lost time is involved)
- ▶ Informing the treatment provider that University of Auckland self manages all work place injuries
- ▶ Providing a copy of the completed ACC forms and, if lost time is involved, a medical certificate from the registered medical practitioner, to the supervisor/manager and the Health and Safety co-ordinator in a timely manner
- ▶ Participating in an appropriate rehabilitation programme including a return to work programme which requires alternative duties or partial hours
- ▶ Providing ongoing medical certificates to their supervisor/manager/occupational health staff
- ▶ Reporting non-work injuries resulting in time off to their supervisor/manager as soon as possible to provide University of Auckland with the opportunity to assist through rehabilitation if appropriate.

WorkAon Case Manager

- ▶ Ensuring the consent form is signed in the event of an ACC claim and providing access to information about entitlements and the collection and release of information
- ▶ Facilitating the claims management and rehabilitation for all work place and non-work injuries for employees of University of Auckland. This includes providing information to staff members and supervisors/managers and liaising with third parties
- ▶ Liaison with ACC and management of the ACC Partnership Programme contract
- ▶ Liaise between University of Auckland and any Third Party Administrator assisting with the case management of work place injuries.

Appendices

Initial Needs Assessment

CLAIMANT DETAILS			
1	Employee Name	2	Accident Date
3	Employer Name University of Auckland	4	Date first GP visit
5	Contact Phone No.	6	A/H Phone No.
7	Supervisor Name & Contact No.		
MEDICAL NEEDS			
8	Last Treatment's GP/Physio/etc		
9	What Treatment/Restrictions Recommended		
10	Medication Prescribed	<input type="checkbox"/> No <input type="checkbox"/> Yes	_____
11	Any Similar Injuries Previously	<input type="checkbox"/> No <input type="checkbox"/> Yes	_____
12	Entitlements & Surcharges explained	<input type="checkbox"/> No <input type="checkbox"/> Yes	_____
VOCATIONAL NEEDS			
13	What is their job/role?		
14	Hours Currently Working	<input type="checkbox"/> Fully Unfit <input type="checkbox"/> Fit for Selected Work	<input type="checkbox"/> Fit for Normal Duties
15	Weekly Compensation Discussed	<input type="checkbox"/> N/A <input type="checkbox"/> No	<input type="checkbox"/> Yes
16	Any Worksite Assessment arranged	<input type="checkbox"/> N/A <input type="checkbox"/> No	<input type="checkbox"/> Yes
17	Able to get to and from work	<input type="checkbox"/> N/A <input type="checkbox"/> No	<input type="checkbox"/> Yes
18	Contact for any secondary employer	<input type="checkbox"/> N/A <input type="checkbox"/> Name & phone	_____
SOCIAL NEEDS			
19	Any Childcare issues?	<input type="checkbox"/> No	<input type="checkbox"/> Yes needs help
20	Any issues with cooking meals/ household tasks?	<input type="checkbox"/> No	<input type="checkbox"/> Yes needs help
21	Any other mobility or personal issues?	<input type="checkbox"/> No	<input type="checkbox"/> Yes needs help
INITIAL ACTION PLAN			
	Action	Responsible	Review Date
22	Return to work on restricted duties. Keep supervisors apprised of any change in situation/difficulties Follow advice of GP in terms of restrictions	Employee	7 days
23	Arrange a rehabilitation meeting Liaise with and seek advice from WorkAon Case Manager	Manager	Meeting within 14 days
Date discussed with Injured Employee:			
Completed by:			
		Name	Contact Phone

Workplace Accident Claim Confirmation

Employer Name	UNIVERSITY OF AUCKLAND		
Employee Name		Claim No	
Accident date	/	Position/Role	
Diagnosis			
Business Unit			
CLAIM ACCEPTANCE			
<input type="checkbox"/>	Accept	I accept this as a work-related injury	
<input type="checkbox"/>	Investigate	Please investigate, as I am not convinced this is work related	
<input type="checkbox"/>	Decline	This person is not our employee	
<input type="checkbox"/>	Decline	I dispute this as a work-related injury for the following reason:	
COMPLETED BY			
Date discussed with Injured Employee	UNIVERSITY OF AUCKLAND		
Name		Contact Number	
Position	/		



Weekly Monitoring Sheet – for Workplace Injured Employees

(This form is designed to be completed by the site manager immediately on becoming aware of a workplace injury. It should be faxed WORKAON on 09 362 9084).

University of Auckland

EMPLOYEE NAME:	DATE:	
<i>Date Reviewed:</i>	<i>Comments:</i>	<i>Work Capacity Information:</i>
Reviewed By: Date:		<input type="checkbox"/> Fully Unfit <input type="checkbox"/> Fit alternative duties – part-time hours <input type="checkbox"/> Fit alternative duties – full-time hours <input type="checkbox"/> Medically cleared for normal work tasks
Reviewed By: Date:		<input type="checkbox"/> Fully Unfit <input type="checkbox"/> Fit alternative duties – part-time hours <input type="checkbox"/> Fit alternative duties – full-time hours <input type="checkbox"/> Medically cleared for normal work tasks
Reviewed By: Date:		<input type="checkbox"/> Fully Unfit <input type="checkbox"/> Fit alternative duties – part-time hours <input type="checkbox"/> Fit alternative duties – full-time hours <input type="checkbox"/> Medically cleared for normal work tasks
Reviewed By: Date:		<input type="checkbox"/> Fully Unfit <input type="checkbox"/> Fit alternative duties – part-time hours <input type="checkbox"/> Fit alternative duties – full-time hours <input type="checkbox"/> Medically cleared for normal work tasks
Reviewed By: Date:		<input type="checkbox"/> Fully Unfit <input type="checkbox"/> Fit alternative duties – part-time hours <input type="checkbox"/> Fit alternative duties – full-time hours <input type="checkbox"/> Medically cleared for normal work tasks