

GOVERNANCE POLICY

WORK HEALTH AND SAFETY & RETURN TO WORK

1. INTRODUCTION:

The Flinders Ranges Council (Council) provides a safe, healthy, and rewarding work environment free of accidents, injuries and illness.

Council values safety. Everyone working in or visiting our workplace has a right to go home safely each day to their family and friends.

Workers who are injured at the workplace have a right to support to enable them to safely return to work.

Council will make our workplaces safe and help injured workers get back to work in a fair, timely and effective way. A systematic approach to managing workplace hazards built on a platform of consultation and worker participation is at the core of this Policy.

2. POLICY POSITION:

To ensure, so far as is reasonably practicable, that via a Management Systems approach to Work Health and Safety (WHS) and Return to Work (RTW), workers are provided with a healthy and safe system of work, in line with the organisational Strategic Management Plan objective of effective management of our risks. This will be established by:

- Management commitment to WHS, Injury Management (IM) and RTW in accordance with Councils Corporate objectives;
- Development of Programs and Action Plans which outline identified Policy objectives and procedural requirements;
- Implementation of individual elements as outlined in the Program and Action Plans;
- Measurement and evaluation of the WHS & IM program against defined objectives, targets and performance indicators; and
- Reviewing Management Systems to identify scope for continuous improvement.

3. POLICY SCOPE:

- (1) This Policy relates to the WHS and RTW initiatives and actions of Council.
- (2) It applies to the Chief Executive Officer, Directors, managers, supervisors, workers, volunteers, contractors and others who may be impacted by our work.

4. POLICY DEFINITIONS:

Worker for the purposes of the *Work Health and Safety Act 2012* (Section 7), a person is a **worker** if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- (a) an employee; or
- (b) a contractor or subcontractor; or
- (c) an employee of a contractor or subcontractor; or
- (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- (e) an outworker; or
- (f) an apprentice or trainee; or
- (g) a student gaining work experience; or
- (h) a volunteer; or
- (i) a person of a prescribed class.

Worker for the purposes of the *Return to Work Act 2014* (Section 4), means:

- (a) a person by whom work is done under a contract of service (whether or not as an employee);
- (b) a person who is a worker by virtue of Schedule 1;
- (c) a self-employed worker, and includes a former worker and the legal personal representative of a deceased worker.

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RTW For the purposes of this Policy, includes both Claims Management activities and Return to Work activities.

5. POLICY OBJECTIVES:

- (1) Council is committed to providing and undertaking such measures as to minimise risks (through safe workplace environments, systems of work, plant and substances) of injury / ill health to workers and others while at work and demonstrates a systematic approach to planning and implementation of WHS consistent with the *Work Health and Safety Act 2012* and associated Regulations.
- (2) Council will support the Local Government Association Workers Compensation Scheme (LGAWCS) with:
 - effective IM and RTW in accordance with the *Return to Work Act 2014*, and associated Regulations, to assist work injured workers RTW and achieve the best practicable levels of physical and mental recovery (via IM Procedures);
 - with equitable Claims Management, in accordance with the *Return to Work Act 2014* and associated Regulations, for all workers who suffer a disability in the course of their employment (see supporting IM Procedures);
 - Effective processes and procedures for consultation in WHS and RTW matters; and
 - An annual review of WHS Performance against the WHS programs objectives and measures.
- (3) Council recognises:
 - the requirements to assist the LGAWCS with legislative compliance;
 - the requirement for continuous review and improvement;
 - the requirement for review of supporting WHS Policies and WHS and IM Policy;
 - the commitment that adequate resources and appropriate internal / external expertise will be used when required;
 - other relevant supporting policies and procedures that support the WHS and IM systems;
 - a commitment to communicating relevant information to all workers in an appropriate manner;
 - the duty of care it owes to all persons in the workplace including contractors, consultants, labour hire, volunteers, visitors and the general community as far as is reasonably practicable;
 - the requirement for an effective hazard management approach to WHS, which encompasses the identification, assessment and control of hazards; and
 - this Policy will be reviewed regularly and updated as required to ensure continued suitability and effectiveness.

6. POLICY APPROACH:

Council will provide leadership and direction to our workers and others in meeting its Duty of Care to protect our people by:

- complying with WHS and RTW laws and obligations;
- encouraging the active participation of our workers and others in WHS matters;
- Consulting and communicating openly and honestly with workers and others and encourages the raising of WHS issues or concerns without the fear of reprisal;
- applying a systematic approach to managing workplace hazards to ensure the WHS of our workers and others who may be impacted by our work;
- providing and maintains safe plant, structures, chemicals, facilities and systems of work;
- implementing organisational policies and procedures to achieve our Policy commitments and contribute to positive safety and RTW outcomes;
- implementing equitable RTW practices built upon the principles of early intervention, prompt and timely service and active management to improve recovery and RTW to work outcomes;
- providing relevant training, instruction, information and supervision to workers and others
- maintaining an effective process for reporting and resolving WHS issues;
- using appropriate internal and/or external expertise when required to assist with WHS and RTW issues;
- monitoring, evaluating and reviewing WHS and RTW action plans, targets, performance indicators and outcomes to ensure continuous improvement; and
- participating as a member of the LGAWCS and meeting the self-insured standards.

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7. RESPONSIBILITIES:

- (1) The Chief Executive Officer and the Senior Leadership Team will:
 - (a) actively contribute to and ensure their departmental activities are conducted in an environment to ensure adherence to this Policy;
 - (b) ensure that the organisation has systems to meet its legal duties under WHS and RTW laws; and
 - (c) provide the necessary financial and human resources within Council to facilitate the effective management of WHS and RTW issues.
- (2) Managers and Supervisors will:
 - (a) implement WHS and RTW procedures;
 - (b) monitor and evaluate WHS and RTW performance with a view to driving continuous improvement;
 - (c) consult and communicate with workers and others to ensure they are meaningfully engaged in the management of WHS in their workplace;
 - (d) provide relevant WHS training and supervision to support the safety and wellbeing of workers; and
 - (e) proactively engage with injured workers to promote timely and effective RTW actions.
- (3) Workers, while at work, will take reasonable care for their own safety and the safety of others and to comply (so far as the person is reasonably able) with any reasonable instruction that is given to them.

8. ACCOUNTABILITIES:

- (1) Council is accountable for ensuring the proper operation of this Policy document.
- (2) The Chief Executive Officer and the Senior Leadership Team are accountable for checking that adequate resources are identified and provided to enact this Policy document and supporting policies and procedures effectively.
- (3) Managers and Supervisors are accountable for checking that workers have had appropriate training to undertake the activities identified within this Policy document and supporting policies and procedures.
- (4) Workers are accountable for adhering to the requirements of this Policy document and supporting policies and procedures, or report any inability to do so to management at the earliest opportunity.
- (5) Further specific accountabilities will be outlined within supporting procedures as appropriate.

9. REPORTING:

Regular reporting in relation to this Policy document will be provided at various levels both within and outside of the organisation on an ongoing basis.

10. DOCUMENT CONTROL:

- (1) The electronic version of this Policy document stored on Council's Intranet (G Drive) is the controlled version.
- (2) Printed or hard copies of this Policy document are considered uncontrolled.
- (3) Before using or relying on a printed or hard copy of this Policy document, the user must verify that it is the current version.



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Policy Number	GP 01.12
Version Number	05.01
Document ID	GP 01.12.05.01
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Last Review	April 2024
Next Review	March 2027
GDS	9.63.1.1

11. AVAILABILITY:

- (1) This Policy document may be inspected, without charge, at the offices of the Council during normal office hours and a copy may be obtained for a fee (if any) fixed by the Council.
- (2) Copies of this Policy document will also be available from the Council website www.frc.sa.gov.au.
- (3) Further enquiries in relation to this Policy document should be directed to the Chief Executive Officer by telephoning (08) 8620 0500 or emailing ceo@frc.sa.gov.au.

12. INTERPRETATION:

- (1) Any ambiguity or difficulty in the interpretation of this Policy document shall be referred to the Chief Executive Officer and if needed, the Council, for direction.
- (2) A person having a special need that prevents them from understanding the contents of this Policy document shall be provided with the Policy document in a format that suits their needs, at the discretion of the Chief Executive Officer.

13. ADOPTION:

This Council Policy document “*Work Health and Safety & Return to Work Policy*” was first adopted by Council at its Ordinary Meeting held on 14 August 2012 (164/2012).

14. REVIEW:

- (1) The Council may review this Policy document from time to time as a result of significant changes to legislation or aspects included in this Policy document that could affect the health and safety of workers. At a minimum, a review will be undertaken within three (3) years of the last review date.
- (2) This Policy document is also required to be reviewed within six (6) months of a release by the LGAWCS of an updated Peak Policy document.

15. LEGISLATION:

[Local Government Act 1999](#)
[Work Health and Safety Act 2012](#)
[Work Health and Safety Regulations 2012](#)
[Return to Work Act 2014](#)
[Return to Work Regulations 2015](#)

Note: The links provided above were current at the time of readoption and may have subsequently been reviewed, amended, substituted or deleted. Before using or relying on, ensure that it is the current version.

16. REFERENCES:

[Return to Work SA - Code of Conduct for Self-insured Employers \(August 2017\)](#)
[Return to Work SA - Self-insured Work Health & Safety Standards \(August 2017\)](#)
[Return to Work SA - Self-insured Injury Management Standards \(April 2019\)](#)
ISO 45001: 2018 Occupational Health and Safety Management Systems

Note: The links provided above were current at the time of readoption and may have subsequently been reviewed, amended, substituted or deleted. Before using or relying on, ensure that it is the current version.

17. RELATED DOCUMENTS:

[Enterprise Risk Management Framework \(GP 01.22\)](#)
[Code of Conduct for Council Employees \(GP 01.06\)](#)

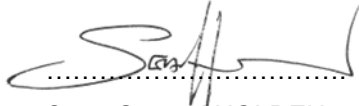
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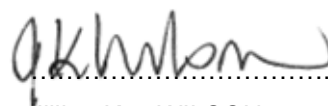
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18. CERTIFICATION:

The Chief Executive Officer and the Chairperson of the Work Health & Safety Committee confirm that this Policy document "*Work Health and Safety & Return to Work Policy*" has been formally adopted by Council.



Sean Gerrard HOLDEN
Chief Executive Officer
The Flinders Ranges Council



Jillian Kay WILSON
Chairperson
Work Health & Safety Committee

19. SCHEDULES:

Nil

20. APPENDICES:

- Appendix A Return to Work SA - Self-insured Work Health & Safety Standards (August 2017)
Appendix B Return to Work SA - Self-insured Injury Management Standards (April 2019)

21. ANNEXURES & ATTACHMENTS:

Nil



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DOCUMENT HISTORY:

Review Date	Version Number	Description of Change(s)	Resolution
14/08/2012	1	New Policy Adopted	164/2012
07/12/2015	2	Amend all references to OHS&W to WHS; Update legislative references; Amend Review Clause	309/2015
13/02/2018	2	Reviewed by PRRC (30/01/2018) – No Changes	020/2018
15/06/2021	3	Minor formatting and grammatical changes only.	132/2021
17/10/2023	4	Reviewed by PRRC, no changes made Policy Review Committee 12/10/2023 Council 17/10/2023	272 / 2023 282 / 2023
16/04/2024	05.01	Major Policy Review per LGAWCS Updated Peak Policy Council 16/04/2024	098 / 2024



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APPENDIX A: Return to Work SA - Self-insured Work Health & Safety Standards (August 2017)

Work Health and Safety standards for self-insured employers

August 2017

Disclaimer

This publication is:

- For use by ReturnToWorkSA in assessing performance against some of the requirements of registration as a self-insured employer.
- A reference document for self-insured employers, or employers considering an application for registration as a self-insured employer.
- Not intended as a substitute for the requirements of the *Work Health and Safety Act 2012* or the Code of conduct for self-insured employers, and.
- Information produced by Return to Work Corporation of South Australia in this publication is provided as general information only. In utilising this general information, the specific issues relevant to your workplace should always be considered.

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WHS Performance standards for self-insured employers

Part 1: Introduction

The performance standards and evaluation process are means to an end. The clear focus is on outcomes, with the standards as the means of achieving the intended outcomes.

These standards are one component of the requirements that self-insured employers must meet in South Australia. They must be read in conjunction with other administrative and legislative requirements, including the Code of conduct for self-insured employers (the Code), the Return to Work Act 2014 (RTWA), and the requirements of the Third schedule to the Regulations.

The primary *objective* for ReturnToWorkSA is to provide an effective and efficient system that helps employers and employees work together to get the best results in health, safety, return to work and claims management and to achieve *continuous improvement* in these disciplines.

The standards are designed to address:

- the integration of WHS into mainstream management systems for self-insured employers;
- consultation and joint employer and employee involvement;
- a system capable of ensuring that employers meet their duty of care under the WHS legislation;
- compliance with the Work Health and Safety Act 2012 (SA) the development of systems that measure outcomes; and
- Continuous improvement.

The performance standards are consistent with the Australian/New Zealand Standard 4804: 2001, Occupational Health, and Safety Management Systems – General Guidelines on Principles, Systems, and Supporting Techniques.

A business management systems structure clearly designates overall responsibility for WHS to senior management of the *organisation*.

It should be noted that compliance with the performance standards is only one of a number of matters that ReturnToWorkSA will consider as part of the evaluation process associated with initial applications and renewal of self-insured registration. Details of the full range of requirements are contained in the Code, which is available from ReturnToWorkSA's website, www.rtwsa.com.

Part 2: Standards

Overview of the WHS Performance Standards

The performance standards apply to all self-insured *organisations*. They will be used to provide an equitable benchmark for measuring performance and in considering applications for registration and renewal under section 60 of the Act.

The performance standards do not replace legislative requirements, or relieve *organisations* from the responsibility of complying with those requirements. If a conflict between these standards and the law occurs, the law will take precedence.

The performance standards describe the *WHS management system* requirements for self-insured *organisations* in South Australia. As such, they are designed to provide *organisations* with the opportunity to demonstrate *objective* evidence of the presence of effective business management systems.

The performance standards rely on the business and its employees identifying the health and safety hazards in the particular workplace and documenting the corrective action required to prevent injury. The hazard management process of identifying, *evaluating*, and controlling hazards is central to, and a key deliverable of the management system created by the standards. The performance standards promote a business management systems approach to WHS. As such, they will provide self-insured *organisations* with:

- flexibility in developing and implementing strategies to reduce risk, resulting in fewer claims and lower costs;
- integration of WHS with the core functions of the *organisation*;
- assurance that a high level of performance is being maintained; and
- *Continuous improvement* in WHS outcomes.

Objectives of the standards

- To produce measurable continuous improvement outcomes in WHS through a business management systems approach.
- To provide a framework that allows organisations to meet legislative responsibilities under the WHS Act and associated Regulations.
- To assist to achieve its aim of reducing claim numbers, claim rates and the cost, duration and severity of claims in South Australia.

The standards require two levels of *consultation*; internal *consultation* between management and employees and external *consultation* with ReturnToWorkSA.

Consultation

2.1.1 Internal consultation

Self-insured employers are required to establish and maintain effective mechanisms for consultation with employees to ensure:

- employee representative involvement in the development of policy and the planning, implementation and evaluation of its WHS systems and initiatives within the workplace;
- employee contribution to and acceptance of those processes; and
- Compliance with the consultation requirements of the WHSA and Regulations, as a minimum.

The consultative mechanism will vary, in each self-insured organisation depending on the business management system. However, the consultative mechanism must be capable of facilitating dialogue, seeking information or the opinions of affected employees, and considering those opinions prior to management making key decisions.

2.1.2 External consultation

Self-insured employers and ReturnToWorkSA will consult for the purpose of:

- evaluating the employer's business management system
- following up employee reports to ReturnToWorkSA that suggest non-conformance with relevant Acts
- discussing and addressing unresolved non-conformance when identified by the self-insured employer or ReturnToWorkSA, and
- Maintaining a relationship to review the implementation of the employer's agreed action plan.

2.2 Continuous improvement model

The continuous improvement model works on five principles as illustrated below and explained in the following section.

ReturnToWorkSA recognises that the employer's commitment to improvement ultimately drives its outcomes. ReturnToWorkSA's focus on performance and ensuring underpinning systems meet the requirements of the standards assists the employer to achieve its desired outcomes.

Diagram 1 - Continuous improvement model



Standard 1 – Commitment and policy

The Standard requires an organisation to define its WHS *policy* and commit adequate resources to ensure the success of its management systems.

The *policy* needs to be *relevant* to the *organisation's* overall vision and *objectives*. It needs to set the framework for *continuous improvement*. It should ensure accountability and link WHS to the overall *organisational* values, *objectives*, and processes. The *policy* guides the setting of *objectives*. Supporting *procedures* should set into place the steps to be taken to achieve the *organisation's* *policy* goals.

SCOPE: **The organisation defines its WHS policy and supporting procedures in consultation with employees or their representatives.**

Element 1 Endorsed and distributed policy statement

- 1.1 The organisation's policy statement must:
 - 1.1.1 Recognise the requirement for legislative compliance
 - 1.1.2 Recognise the pursuit of continuous improvement
 - 1.1.3 Be integral and relevant to the organisation's:
 - mission statement, vision, core values and beliefs
 - overall management system structure and system
 - activities, products, services and people
 - 1.1.4 Identify responsibilities and accountabilities for all relevant employees
 - 1.1.5 Recognise commitment that appropriate internal and/or external expertise will be utilised, when required, in all related activities.
 - 1.1.6 Recognise other organisational policies and procedures when relevant.
 - 1.1.7 Recognise a commitment to communication of relevant information to all staff.
 - 1.1.8 Recognise the organisation's duty of care to all persons in the workplace including labour hire, contractors and subcontractors, volunteers and other visitors.
 - 1.1.9 Recognise a hazard management approach to WHS
 - 1.1.10 Incorporate commitment to consultation

Element 2 Supporting policies and/or procedures

- 1.2 The organisation must have supporting policies and/or procedures that show:
 - 1.2.1 Evidence of policies and/or procedures to support the policy statement
 - 1.2.2 Contingency arrangements are outlined for the organisation

Standard 2 – Planning

The successful implementation and operation of *WHS management systems* requires an effective planning process with defined and measurable outcomes. The plan starts with the *policy* statement and its *objectives* and addresses the schedules, resources, and responsibilities necessary for achieving them.

Objectives, targets, and performance indicators are identified, as they will be used to measure the effectiveness of the *WHS management system* and to identify areas requiring corrective action and improvement.

In summary, the plans aim to fulfil the *organisation's policy, objectives, and targets*.

Scope: ***The organisation plans to fulfil its policy, objectives, and targets in consultation with employees or their representatives.***

Element 1 System strategies

- 2.1 The organisation's system must ensure:
 - 2.1.1 Legislative compliance is addressed as part of the system, where relevant.
 - 2.1.2 Employees or their representatives directly affected by the implementation of WHS plans are consulted when the plans are being formulated.
 - 2.1.3 Programs have objectives, targets, and performance indicators where relevant.
 - 2.1.4 Action plans are in place to correct identified areas of non-conformance with documented procedures.
 - 2.1.5 Program(s) are in place to identify, evaluate, and control hazards in the organisation.
 - 2.1.6 Action plans are in place for dealing with corrective action identified as part of any incident investigation process.

Element 2 Setting of systems objectives

- 2.2 The organisation must ensure:
 - 2.2.1 The identification of objectives for the organisation.
 - 2.2.2 The identification of appropriate strategies to measure, monitor, evaluate, and review the system's objectives.

Element 3 Training

- 2.3 The organisation must ensure:
 - 2.3.1 Appropriate training requirements have been identified.
 - 2.3.2 Training plan(s) have been developed.

Standard 3 – Implementation

This principle focuses on ensuring that the resources and supporting mechanisms needed to achieve the *organisation's policy objectives and targets* are provided.

It deals with adequate resources being made available, integration with current management practices and systems, responsibilities being defined and understood, methods for holding all managers and employees accountable, arrangements for employee involvement, training being implemented, and supporting mechanisms such as verbal and written communications.

Scope: *The organisation demonstrates the capabilities and support mechanisms that are necessary to achieve its policy objectives and targets, in consultation with employees or their representatives.*

Element 1 Resources

3.1 The organisation must ensure:

- 3.1.1 Adequate human, physical, and financial resources are being allocated to support the program(s).
- 3.1.2 Specialist expertise is used as required.

Element 2 Training

3.2 The organisation must ensure a relevant training program is being implemented.

Element 3 Responsibility and accountability

3.3 The organisation must ensure:

- 3.3.1 Defined responsibilities are communicated to relevant employees.
- 3.3.2 Accountability mechanisms are being used when relevant.

Element 4 Integration

3.4 The organisation must ensure system elements are aligned with, or integrated into, corporate business functions, where relevant.

Element 5 Employee involvement

3.5 The organisation must ensure arrangements for employee consultation, and involvement are known and integrated into the programs developed.

Element 6 Communication

3.6 The organisation must ensure communication arrangements for information dissemination and/or exchange are in place.

Element 7 Contingency planning

3.7 The organisation must ensure contingency plans are periodically tested and/or evaluated to ensure an adequate response, if required.

Element 8 Hazard identification, evaluation and control

- 3.8 The organisation must ensure:
- 3.8.1 A hazard management process that includes identification, evaluation, and control is in place.
 - 3.8.2 Employees or their representatives are consulted and participate in hazard management processes.
 - 3.8.3 Control measures are based on the hierarchy of control process.
 - 3.8.4 Program(s) are in place to ensure an appropriate WHS consideration is given to changes in the workplace and work practices.
 - 3.8.5 Program(s) are in place to ensure an appropriate WHS consideration is given at the time of purchase, hire, or lease of plant, equipment, and substances.
 - 3.8.6 Program(s) are in place to meet the organisation's duty of care for all persons in the workplace
 - 3.8.7 Program(s) are in place to ensure work related injury/illness and incidents are investigated and action taken when relevant.

Element 9 Workplace monitoring

- 3.9 The organisation must ensure:
- 3.9.1 That the implementation of relevant inspection and testing procedures are conducted by the relevant, competent person(s).
 - 3.9.2 That corrective/preventive action is taken on non-conformance issues identified by inspection, and testing procedures.

Element 10 Process delivery

- 3.10 The organisation must ensure all other activities arising out of policies and/or procedures are being implemented.

Element 11 Reporting/documentation

- 3.11 The organisation must ensure the relevant level of reporting, records and/or documentation is maintained to support the system programs and legislative compliance.

Element 12 Documentation control

- 3.12 The organisation must ensure program(s) of documentation control for identification and/or currency of essential documents are in place and maintained.

Standard 4 – Measurement and evaluation

WHS performance is measured, monitored, and *evaluated* using *performance indicators*, to ensure that the *organisation* is performing in accordance with its *policy*, *objectives*, and *targets*. Importantly, areas of success and activities requiring corrective action and improvement will be identified.

Scope: ***The organisation measures, monitors and evaluates its performance in consultation with its employees or their representatives, and takes corrective action when necessary.***

Element 1 Objectives, targets and performance indicators

- 4.1 Organisation must ensure planned objectives, targets and performance indicators for key elements of program(s) are maintained, and monitored and reported.

Element 2 Internal audits

- 4.2 The organisation must ensure programmed internal audits are performed objectively by competent personnel to ensure performance of systems and programs and employees directly affected by the results, or their representatives, are consulted.

Element 3 Corrective action

- 4.3 The organisation must ensure outcomes of the audits are documented and the necessary corrective action(s) identified, prioritised, and implemented.

Standard 5 – Management systems review and improvement

The *organisation* should regularly review and seek to continually improve its systems. This leads to the development of *continuous improvement* strategies within the *organisation*.

Scope: ***The organisation regularly reviews its WHS management system, in consultation with its employees or their representatives, with the objective of maintaining and where possible improving overall performance.***

Element 1 Policy

5.1 The organisation must ensure

5.1.1 It reviews the scope and content of the policy statement and supporting policies/procedures in consultation with employees or their representatives to ensure continued suitability and effectiveness.

Element 2 Objectives, targets and performance indicators

5.2 The organisation must ensure:

5.2.1 The level of achievement of documented objectives, targets, and performance indicators is analysed and utilised to promote continuous improvement strategies.

5.2.2 Results are analysed and used to determine areas of success and areas requiring corrective and preventive action.

Element 3 System review

5.3 The organisation must ensure:

5.3.1 The system is reviewed and revised, if required, in line with current legislation, the workplace and work practices.

5.3.2 The system's measurement outcomes are used as a basis for future system development.

GLOSSARY:

Action plan	Describes the activities of the organisation to achieve the organisation's objectives and includes key elements for attention and/or review, the person responsible for action, and the timeframes intended for completion.
appropriate	Suitable or fitting for a particular purpose, person, occasion or intent.
CEO	The chief executive officer or most senior executive/manager residing within South Australia with the responsibility for WHS.
competent	A person who is suitably qualified (by experience and/or training) to carry out the work or function described.
conformance	Activities undertaken and results achieved fulfil the specified requirements.
consultation	Consultation involves the sharing of information and the exchange of views between employers and the persons or bodies that must be consulted and the genuine opportunity for them to contribute effectively to any decision-making process to eliminate or control risks to health or safety. The extent and nature of the consultation will vary between workplaces and the different situations.
contingency	Planning to maintain control of the management system applicable to a particular business during an unplanned event, such as fire, chemical spill, bomb threat, injury, and the loss of key personnel.
continuous improvement	Process of enhancing the health and safety systems, to achieve improvements in overall related performance, in line with the organisation's policies. The process need not take place in all areas simultaneously.
evaluate	To test and find value, quality etc., to appraise, make judgements.
inspection	An examination of a workplace to identify and record hazards for corrective action and to check how safety features (hazard controls) are operating, paying attention especially to components most likely to develop unsafe or unhealthy conditions because of stress, wear, impact, vibration, heat, corrosion, chemical reaction or misuse, etc.
Internal audit	A systematic, and wherever possible, independent examination, carried out by a competent person, appointed by the employer, in consultation with employees or their representatives, to determine whether an activity or activities and related results conform to planned arrangements; whether these arrangements are implemented effectively; and whether they are suitable to achieve the organisation's policy and objectives. The

	results of the internal audits must be documented and employees consulted over them. Preventive/corrective action plans must be subsequently developed.
key element	An essential component of the management system applicable to a particular business.
legislative compliance	Meeting the requirements of prevailing legislation.
measurement	Any technique used to measure any system or element outcome against objectives, targets, timeframes etc., established, or set by the organisation.
non-conformance	Activities undertaken and the results achieved do not fulfil the specified requirements of the elements. This may be due to the substantive absence or inadequate implementation of a system or documented systems or procedures not being followed.
objective	An overall goal in terms of performance, arising from policies that an organisation sets itself to achieve, and which is quantified, where practicable.
Observation	Activities undertaken and results achieved fulfil the specified requirements of the elements; however, an opportunity for improvement exists due to minor deficiencies identified.
organisation	A company, corporation, firm, enterprise, government agency, institution, or other legal identity, or part thereof, whether incorporated or not, public or private, that has its own functions and administration.
performance indicator	A selected indicator of how effectively a process is operating against objectives. These indicators can be quantitative or qualitative and the choice is dependent on the type of element they are used to measure, as appropriate to the organisation.
policy	Statement by the organisation of its intentions and principles in relation to its overall health and safety performance. The policy provides a framework for action and for the setting of health and safety objectives and targets.
procedure	Written, detailed way to action/perform in conformance with policy objectives.
program	A planned component of an organisation's business management system for health and safety.
relevant	Connected with the matter in hand; pertinent (e.g., legislative requirements and/or other identified needs of the organisation).
target	A detailed performance requirement, quantified wherever practicable, pertaining to the organisation that arises from

	the health and safety. It needs to be met in order to achieve those objectives.
Work health and safety (WHS) management system	An orderly arrangement of interdependent activities and related procedures that drives an organisation's WHS performance.
Workplace Monitoring	To check, observe or keep a record of something (by a person or a device), usually used for the evaluation of a hazard and for assessing the effectiveness of control measures.



GOVERNANCE POLICY WORK HEALTH AND SAFETY & RETURN TO WORK

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APPENDIX B: Return to Work SA - Self-insured Injury Management Standards (April 2019)



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**Government
of South Australia**



Injury management standards for self-insured employers

April 2019

Version 3

Disclaimer

This publication is:

- For use by ReturnToWorkSA in assessing performance against some of the requirements of registration as a self-insured employer.
- A reference document for self-insured employers, or employers considering an application for registration as a self-insured employer.
- Not intended as a substitute for the requirements of the *Return to Work Act 2014* or the Code of conduct for self-insured employers, and.
- Information produced by Return to Work Corporation of South Australia in this publication is provided as general information only. In utilising this general information, the specific issues relevant to your workplace should always be considered.

Introduction

The Injury Management Standards provide a framework from which a self-insured employer's exercise of its delegated powers and discretions can be evaluated. The Injury Management Standards focus on a self-insured employer's:

- maintenance of systems to ensure legal compliance
- equitable management of claims for compensation and return to work activities
- provision of effective early intervention and return to work processes
- provision of quality services to optimise recovery and return to work
- timely decision making on claims and the provisions of benefits to ensure compliance with relevant legislative requirements
- effective communication and consultative arrangements to support return to work outcomes and to ensure workers are informed of, and understand their rights and responsibilities under the Act
- strategies to minimise the number of applications before the SAET; and
- the financial integrity of the scheme.

The Code of conduct for self-insured employers (Code) states the performance of the employer or self-insured employer will be measured against the Code and Injury management standards.

To be granted an initial registration, an employer must demonstrate readiness of systems and resources to meet the injury management standards, including the development of policies and procedures that describe how these standards and other requirements of self-insurance are to be achieved.

To obtain a maximum period of registration renewal, a self-insured employer must demonstrate to the satisfaction of ReturnToWorkSA, amongst other things, the requirements of the injury management standards have been met.

Leader Insurer Regulation

1. Condition of Registration as a Self-Insured Employer

1.1. Policies and Procedures

A self-insured employer shall define how it will:

- 1.1.1. Achieve the fundamental principles, rights, and obligations within section 13 of the Act.
- 1.1.2. Exercise the delegated powers and discretion set out in Section 134 or the Act.
- 1.1.3. Meet the “Service Standards” set out in Schedule 5, Part 2 of the Act.

1.2. Resources

A self-insured employer must have arrangements in place to ensure it has in place adequate resources to administer claims and provide effective return to work services to injured employees. These arrangements shall include:

- 1.2.1. Documented job descriptions for all injury management personnel and where relevant management, supervisors and employees.
- 1.2.2. Ensuring injury management personnel are competent to administer the self-insured employers delegated powers and discretions in a reasonable manner.
- 1.2.3. Ensuring the allocation of resources is appropriate for the organisations type, volume, and complexity of the case load.
- 1.2.4. Suitability of facilities and accommodation to ensure restricted access to information, including maintaining confidentiality during interaction with injured workers and service providers.
- 1.2.5. A self-insured employer must appoint a return to work coordinator and ensure the person appointed to this role has successfully completed relevant training. Where this role becomes vacant, the self-insured employer must re-appoint an employee within 3 months and ensure the employee(s) appointed have received relevant training within 3 months of the appointment being made.

1.3. External Claims Administration

Where external administration services are contracted, a self-insured employer must ensure those arrangements are clearly documented covering:

- 1.3.1. Exercise of delegations by the self-insured employer
- 1.3.2. Data security and confidentiality
- 1.3.3. Administrative arrangements
- 1.3.4. Complaint processes

1.4. Data

A self-insured employer shall provide all relevant data set out in Schedule 3, Part 5 of the *Return to Work Regulations 2015*:

- 1.4.1. Fortnightly, unless an alternative arrangement has been agreed to by ReturnToWorkSA.
- 1.4.2. All errors at batch and line level shall be resolved within one month of receiving the data transmission return file.
- 1.4.3. A self-insured employer must notify ReturnToWorkSA at least one month prior to the implementation of any change to the workers compensation data system.

1.5. Financials

A self-insured employer shall provide to ReturnToWorkSA:

- 1.5.1. A copy of audited financial statements within five months of the self-insured employer's financial year end date, or within an alternative timeframe approved by ReturnToWorkSA.
- 1.5.2. An actuarial report on the outstanding workers compensation liabilities of the employer within three months of the self-insured employer's financial year end date or within an alternative timeframe approved by ReturnToWorkSA.
- 1.5.3. The self-insured employer shall provide a financial guarantee that meets all the terms and conditions set out in written correspondence issued by ReturnToWorkSA.
- 1.5.4. A self-insured employer shall provide to ReturnToWorkSA a contract of insurance that meets all requirements set out in Schedule 3, Part 9 of the *Return to Work Regulations 2015*.

1.6. Information provided to employees

A self-insured employer shall inform all employees in writing of the following arrangements:

- 1.6.1. How to report a work related injury
- 1.6.2. The process for lodging a claim for compensation
- 1.6.3. Location of claim forms
- 1.6.4. Overview of the claims administration process
- 1.6.5. Overview of the early intervention and return to work process
- 1.6.6. Injured worker rights and responsibilities
- 1.6.7. Entitlement periods relating to income support, medical expenses, economic and non-economic loss payments
- 1.6.8. Rights and responsibilities of the employer
- 1.6.9. Complaints management processes (including those reported to the Ombudsman).

2. Claim Management

2.1. General matters

- 2.1.1. Claim files are maintained in such a way that all decisions and determinations are identifiable and relevant supporting notes and documents maintained.
- 2.1.2. In all instances, notices and information are provided in accordance with return to work requirements including rights to review and are given within required timeframes.
- 2.1.3. The rights and needs of injured workers, including cultural and linguistic diversity are appropriately considered.
- 2.1.4. Confidentiality is maintained.
- 2.1.5. A copy of all reports prepared by a health practitioner detailing the findings made or opinions formed by the health practitioner shall be provided to the worker within seven calendar days.
- 2.1.6. Where a worker provides a written request, under section 180 of the Act, for a copy of all documentary material (hardcopy and electronic) relevant to their claim, the self-insured employer shall provide this material within 45 days of receiving the request.
- 2.1.7. A worker shall not be required to submit to an examination by a health practitioner of the same specialty more frequently than once every two months.

2.2. Claims

- 2.2.1. Claim forms are on file.
- 2.2.2. Where reasonably practicable claims are determined within 10 business days.
- 2.2.3. Where claims are not determined within 10 business days, offers of interim benefits are made in accordance with section 32 of the Act.
- 2.2.4. Claims are considered and determined (including re-determinations) in accordance with section 31 of the Act.

2.3. Medical Expenses

- 2.3.1. Payments for accounts for medical expenses are promptly paid.
- 2.3.2. Where a self-insured employer receives an application made by a worker seeking advanced approval for the provision of services, a written determination must be issued to the worker and where approval is not given, state the ground for the decision and inform the worker of their right to apply to have the decision reviewed.

2.4. Income Support

- 2.4.1. Average Weekly Earnings (AWE) entitlements are determined in accordance with Part 4, Division 4 of the Act, including incomes support for incapacity resulting from surgery.
- 2.4.2. AWE calculations are made in accordance with section 5 of the Act and copies of information used to calculate AWE are held on file.
- 2.4.3. AWE is appropriately adjusted in all cases a worker has previously redeemed entitlement to weekly payments.
- 2.4.4. AWE adjustments are made in accordance with section 45 of the Act.
- 2.4.5. AWE Reviews are made in accordance with section 46 of the Act.
- 2.4.6. Income support payments are documented and calculated in accordance with the Act.
- 2.4.7. Reduction/discontinuance of weekly payments is made in accordance with section 48 of the Act.
- 2.4.8. Where there has been a delay in the making of weekly payments, and the delay was not the fault of the worker, then the self-insured employer shall calculate and apply interest at the prescribed rate to the amount in arrears within one month and issue a written notice to the worker setting out details of the interest applied to the amount in arrears.

2.5. Serious Injury

- 2.5.1. Seriously injured workers are assessed and determinations made in accordance with section 21 of the Act.

2.6. Permanent Impairment – Economic Loss & Non-Economic Loss

- 2.6.1. Determinations of entitlement to economic and non-economic loss are issued in writing and detail the calculation applied to determine the economic and non-economic loss lump sum entitlements and the workers' rights to a review of the decision.

2.7. Redemptions and Deed of Release

- 2.7.1. Where a self-insured employer reaches agreement to redeem the liability to make ongoing weekly payments and/or the liability associated with ongoing medical services, all requirements set out in Section 53 and 54 of the Act have been met and relevant documentation is held on the claim file.
- 2.7.2. Where a self-insured employer redeems liability to make ongoing weekly payments, the self-insured employer will ensure the rate of weekly payments that would have been payable if there had been no redemption is appropriately recorded.
- 2.7.3. Where self-insured employers liability is discharged under a deed of release under section 66(7) of the Act, the self-insured employer will ensure the rate of weekly payments that would have been payable if the deed of release had not been entered into, is appropriately recorded.

2.8. Early Intervention, Recovery and Return to Work

- 2.8.1. Recovery and Return to Work Plans (Plan) comply with the standards and requirements prescribed by the regulations, and when developed are specific to an individual worker.
- 2.8.2. Recovery and return to work plans are in place where the injured worker is or is likely to be incapacitated for work more than four weeks, and detail the actions and responsibilities of key parties.
- 2.8.3. When preparing a Plan, the worker must be consulted and provided with a copy of the plan.
- 2.8.4. Where a worker has not returned to pre-injury employment within six months from date of first incapacity and is not working to their full capacity, new or other employment options are considered for the worker when reviewing the Plan.

- 2.8.5. Where a self-insured employer does not provide suitable employment, the self-insured employer notifies ReturnToWorkSA.

2.9. Legal Compliance

- 2.9.1. Claims are managed and delegations administered in accordance with *Return to Work Act* and Regulations.

3. Dispute Resolution

3.1. Reconsideration

- 3.1.1. A reconsideration officer is appointed and the Registrar must be notified as per the regulations of the details of the nominated officer.
- 3.1.2. The reconsideration process must comply with Part 6, Division 4 of the Act.

3.2. SAET Orders

- 3.2.1. Where a determination has been made by the South Australian Employer Tribunal (SAET) and an Order or direction issued, the self-insured employer must comply with the Order within the timeframe specific by the SAET.

4. Measurement, Monitoring and Review

4.1. Delegated powers and discretions

- 4.1.1. Processes are in place that monitor, measure and review the effective implementation of delegated powers and discretions granted to a self-insured employer under the Act and where relevant, strategies to improve performance of the injury management system are identified.
- 4.1.2. Processes are in place that monitor, measure and review the effective implementation fundamental principles, rights and obligations within section 13 of the Act and where relevant, strategies to improve performance of the injury management system are identified.

4.1.3. Processes are in place that monitor, measure and review the effective implementation of claims administration, recovery and return to work services in accordance with the Service Standards set out in Schedule 5, Part 2 of the Act and where relevant, strategies to improve performance of the injury management system are identified.



The following free information support services are available:

If you are deaf or have a hearing or speech impairment you can call ReturnToWorkSA on **13 18 55** through the National Relay Service (NRS) www.relayservice.gov.au.

For languages other than English call the Interpreting and Translating Centre on **1800 280 203** and ask for an interpreter to call ReturnToWorkSA on **13 18 55**.

For braille, audio or e-text of the information in this brochure call **13 18 55**.

ReturnToWorkSA

13 18 55

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