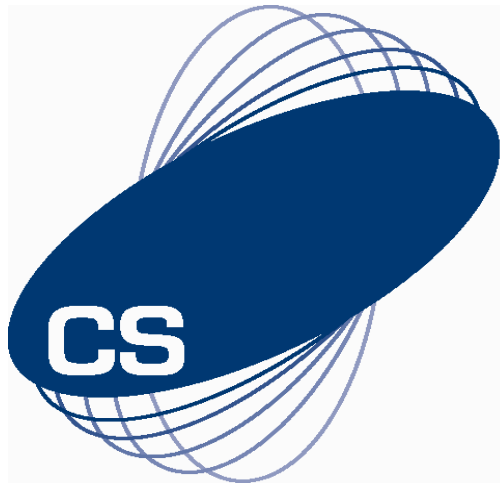




Coal Mines Insurance Pty Limited
ABN 70 000 011 727

COAL MINES INSURANCE



INJURY MANAGEMENT PROGRAM

Introduction

Injury Management (IM) is the process that comprises activities that are established in order to achieve a timely, safe and durable return to work (RTW) for injured workers.

Coal Mines Insurance (CMI) supports this concept and will promote and support its implementation in the New South Wales Coal Industry. CMI aims to provide quality pro-active and evidence based IM services by:

- 1 Maintaining the integration of the injury and claims management processes.
- 2 Becoming a market leader through exceeding industry IM benchmarks.
- 3 Meeting and exceeding the expectations of our stakeholders through improved communications and decreasing claim costs.
- 4 Using appropriate identification strategies to target claims deemed “high risk” to minimise risk of prolonged or long-term disability.
- 5 Encouraging an integrated approach to IM and RTW.

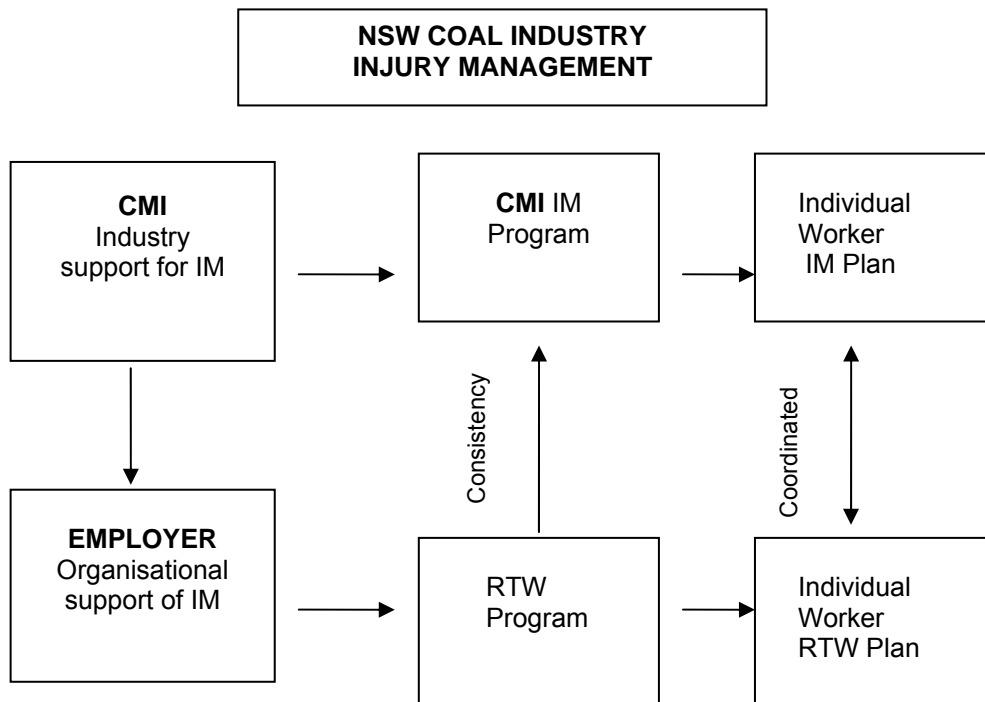
The CMI Injury Management Program aims to reintegrate injured workers into the workforce in the following order of priority:

- 1 Return to same employer, same role.
- 2 Return to same employer, different role.
- 3 Return to same industry, suitable role.
- 4 Return to alternate industry, suitable role.

Integration of Injury Management and Return to Work

CMI is committed to encouraging an integrated approach to IM and RTW in the NSW Coal Mining Industry by linking:

1. CMI's IM Program with the Employers' RTW Program and
2. CMI's IM Plans in with the Employers' RTW Plans.



A return to work program is concerned with the policies and procedures for the rehabilitation of any injured workers and must not be inconsistent with the insurer's injury management program.

A return to work plan is specific to an individual injured worker's return to work

Program Statement

CMI will, as far as practicable:

1. Review and provide feedback to employers regarding their Injury Management policies and RTW Programs.
2. Promote the return to work for all injured workers.
3. Encourage the employer to provide suitable duties for the injured worker, as an integral part of their return to work process
4. Ensure effective communication with injured workers as part of the injury management plan.
5. Consult with Nominated Treating Doctors (NTD) with respect to the injured worker's return to work.
6. Consult with treating medical specialists.
7. Facilitate referral to a NSW WorkCover approved workplace rehabilitation provider in a timely fashion where appropriate.
8. Ensure that the injured worker has been informed of his/her right to choose a NSW WorkCover approved workplace rehabilitation provider where occupational rehabilitation services are required.
9. Appoint where necessary Independent Medical Examiner (IME) and/or Injury Management Consultant (IMC).
10. Communicate with allied health providers and any other professionals involved in the management of the injured worker's return to work.
11. Encourage retraining where appropriate.

OHS Systems

CMI requires employers in the NSW Coal Industry to incorporate injury management and the implementation of effective RTW Programs as part of their overriding occupational health and safety systems.

Data related to injury trends and types are accessible online to employers, as well as from other sources. The data should be analysed to the needs of the specific operation whilst the privacy of the individual employee's data is maintained. CMI will comply with the relevant privacy legislation in the provision of any data.

The data can be used in order to facilitate the inclusion of strategies in the development of their Occupational Health & Safety Programs.

Quality Assurance System

CMI are committed to continually improving the way claims are managed and the delivery of services and support to both employers and injured workers in the return to work process. The CMI Claims Manual and Injury Management Program supported by internal training assist CMI staff in providing best practice claims management.

As part of its quality assurance system CMI have a range of internal reviews which take place to measure, monitor and continually improve the quality of CMI's claims and injury management system.

The range of reviews internal reviews which occur are;

1. Monthly reviews of key performance indicators (KPI's).
2. Monthly qualitative file reviews.
3. Bi-annual qualitative peer reviews.
4. Qualitative review of significant injury claims within three weeks from notification of claim.

The reviews not only assist in monitoring and measuring performance they are also an important tool in supporting the ongoing education for CMI claims teams. The monthly KPI reviews specifically measure the following key aspects of the claims management process from a sample of claims within each CMI region.

- 1 Early contact completed within the set timeframe.
- 2 Timely determination of liability.
- 3 Timely payment of benefits including provisional payments.
- 4 Timely development of Injury Management Plans.
- 5 Soundly based dispute procedures are met.

Legislative Provisions

Chapter 3 Section 43 of the Work Place Injury Management and Workers Compensation Act 1998 provides that:

“An insurer must establish and maintain an Injury Management Program and must revise its Injury Management Program from time to time or when the Authority directs. An insurer must lodge a copy of its Injury Management Program, and any revised Injury Management Program with the Authority”

Chapter 3 Section 43 of the Workplace Injury Management and Workers Compensation Act 1998 also places the following obligation on employers:

“ An employer must comply with the obligations imposed on the employer by or under the insurer’s IM Program.”

The Injury Management Program will be used as one tool by CMI to inform employers of their obligations under the Act and to provide education on the benefits of injury management through:

- 1 Information sessions.
- 2 Regular one to one communication.
- 3 Claims correspondence.
- 4 Online access to the CMI Injury Management Program.

Where an employer is providing selected duties in accordance with section 43A of the NSW Workers Compensation Act 1987, those duties must be suitable duties. Suitable duties must not be token in nature and must be meaningful having regard to:-

- (a) The nature of the worker’s incapacity and pre-injury employment
- (b) The worker’s age, education, skills and work experience.

CMI is required to develop an injury management plan in consultation with the employer, the treating doctor and the worker concerned, to the maximum extent that their co-operation and participation allow. Both the worker and the employer must comply with obligations which are imposed under the injury management plan.

Insurer (CMI) Obligations

In addition to establishing an Industry Injury Management Program CMI will also develop an individual Injury Management Plan (IMP) for the injured worker where the worker has sustained a significant injury.

‘An Injury Management Plan is a plan for coordinating and managing those aspects of injury management that concern the treatment, rehabilitation and retraining of an injured worker, for the purpose of achieving a timely, safe and durable return to work for a particular worker.’

Other CMI obligations include:

1. Within three days of being notified that a worker has sustained a Significant Injury (SI), CMI will contact the employer, worker and where possible the nominated treating doctor.
2. Following development of the IM Plan CMI will review the plan at regular intervals (as detailed within the plan) and upgrade and re-issue the plan where necessary.
3. CMI must provide both the employer and the injured worker with information with respect to the IM Plan and the employees nominated treating doctor.
4. CMI must inform the worker that entitlements to weekly benefits can be suspended if the worker does not reasonably comply with the IM Plan.
5. CMI must have procedures in place for an injured worker to change their Nominated Treating Doctor (NTD) and must inform the injured worker of these requirements.
6. CMI must consult with the injured worker, employer and NTD when referring to a NSW WorkCover approved workplace rehabilitation provider. CMI will advise the injured worker that they can select a NSW WorkCover approved workplace rehabilitation provider and must inform the injured worker of the process to be followed when changing a rehabilitation provider.
7. CMI will make vocational rehabilitation and/or retraining available to an injured worker where appropriate, that is, when a return to pre-injury duties and provision of suitable duties is no longer possible.
8. CMI is obligated to inform the employer and the worker of their obligation to comply with the Injury Management Plan.
9. CMI is obligated to inform the employer they must not have a Return to Work Program that is inconsistent with the CMI Injury Management Program.

10. CMI is required to inform employers about obligations under the injury management program including any associated policies and procedures. CMI meets this obligation through providing a copy of the injury management program to policy holders via the Coal Services website along with any associated policies and procedures. CMI will further support the provision of information to policy holders through information sessions, meetings, and by phone and correspondence as required.

The injury management program is accessible to CMI staff through the CMI Intranet. CMI claims teams are kept up to date through in-house training and support from CMI injury management advisers.

Employer Support for Injury Management

Employers in the NSW Coal Industry must have a Return To Work Program that supports and promotes injury management and return to work. The employer is obligated to develop, implement and review their Return to Work Program in consultation with employees and the relevant Union at their workplace.

Organisational support of Injury Management goes beyond the requirement to establish and maintain a Return to Work Program in that it integrates Injury Management into existing policy and procedures and if necessary considers the establishment and maintenance of policies and procedures that support the Injury Management and the Return to Work Program.

CMI supports Injury Management being reflected in:

1. The Employer/Worker commitment to Injury management.
2. Setting accountabilities, responsibility and authority levels.
3. Strategic Planning.
4. Appropriate internal and external communication protocols.
5. IM a standing item on management meeting agendas.
6. Induction and ongoing training.
7. Employer/Worker Collaboration in developing policies and procedures.
8. Confidentiality and Access policies.
9. Health and Wellness Programs.
10. Ergonomics Programs.
11. Change Management policy.
12. Records Management policy.
13. Dispute resolution policy and procedures for injury management.

Employer Obligations

CMI is committed to working with employers to develop IM policies and RTW Programs which facilitate early and durable return to work.

Return to Work Programs

In accordance with NSW WorkCover issued “Guidelines For Employers’ Return-To-Work Programs’, the Return-To-Work Program is an agreed system between the employer and worker representatives. It is made up of a series of policies and procedures with the final wording and format being a decision for each workplace.

Employers are obligated to establish return to work programs under Section 52 of the NSW Workplace Injury Management Act 1988 as follows;

“An employer must establish a RTW Program with respect to policies and procedures for the rehabilitation (and, if necessary, vocational re-education) of any injured workers of the employer. An employer’s RTW Program must not be inconsistent with the Injury Management Program of the employer’s insurer and is of no effect to the extent of any such inconsistency.”

Employers are obligated to ensure that their return to work program complies with the NSW WorkCover Guidelines for the establishment of return to work programs.

Section 15D(1) of Workers Compensation Regulation 2003 which states as follows;

“An employer is not to be regarded as having established a return-to-work program unless the program complies with the guidelines and any directions under or requirements of this Regulation”

Return to Work Plans

Employer's must establish an individual Return to Work Plan (RTWP) for an injured worker undertaking suitable duties. .

The NSW WorkCover publication "Guidelines For Employers Return-To-Work Programs" states;

"When a worker returns to work on suitable duties with restrictions, the employer/RTWC or rehabilitation provider must develop a RTW Plan. This plan must be regularly monitored and reviewed by the RTWC or provider. Physical restrictions, suitable duties, hours worked, supervision arrangements, and treatment times and dates must be clearly outlined in the RTW Plan"

Return to work plans must be approved by the nominated treating doctor prior to implementation. A copy of the plan should be sent to the nominated treating doctor requesting approval within a specified time frame. CMI encourages a best practice approach to injury management and obtaining an early response (CMI suggest 72 hours) from the nominated treating doctor assists in that process.

No response from the nominated treating doctor after appropriate follow up will be accepted as agreement to the plan.

The employer should have a copy of the return to work plan (which should be signed off by the nominated treating doctor) forwarded to CMI within 7 days of completion.

In the event that a copy of the return to work plan is not received by CMI, an approved workplace rehabilitation provider may be appointed to assist in the return to work process on the claim.

The employer's return to work plan will work hand in hand with CMI's injury management plan to assist in the return to work process.

A sample Return to Work Plan is enclosed in Appendix I

This sample plan includes the minimum requirements detailed above as well as additional areas that may assist in the management of an injured worker's return to work.

Employer obligations also include;

1. It is mandatory for a Category 1 employer (Employer with more than 20 employees) to develop a Return-to-Work-Program, in consultation with their workforce. The Return-To-Work Program is required to be an agreed system between the employer and worker representatives.
2. A Category 2 (Employer with 20 or less employees) can adopt the standard Return-to-Work-Program available from NSW WorkCover.
3. A new employer must have started developing a RTW Program with the Commencement of business operations and to have the Program in place Within 12 months of becoming an employer.
4. In accordance with section 248 of the NSW Workers Compensation Act 1987 an employer is not to dismiss an injured worker because of the injury during which the worker has an entitlement to accident pay under a State or Commonwealth Industrial instrument.
5. To develop, implement and review the RTW Program in consultation with workers and relevant unions.
6. To select and nominate NSW WorkCover approved workplace rehabilitation providers in consultation with workers and relevant unions.
7. To provide workers with adequate information on RTW and compensation procedures.
8. Where an employer employs more than 20 workers, the employer must have an appointed and trained RTW Co-ordinator.
9. Notify CMI of all workplace injures within 48 hours of being notified of a workplace injury.
10. To have a Register of Injuries book in which workers should write work-related injury details.
11. To provide a worker with a workers compensation claim form if requested.
12. To send an injured worker's claim form to CMI within seven days of receipt of the claim.
13. To make suitable duties available to injured workers where reasonably practicable who are certified fit for suitable duties.
14. To notify CMI if unable to provide suitable employment when requested by a partially incapacitated worker.
15. To participate and cooperate in the establishment of an injury management plan for an injured worker.

16. To provide workers with adequate information about workers compensation and RTW procedures, including the selection of an approved rehabilitation provider and how to change providers, if required.
17. To comply with obligations imposed on the employer in the injury management plan written by CMI.
18. To establish individual RTW Plans where appropriate for incapacitated workers.

Return to Work Co-ordinator

1. The NSW Workers Compensation Regulation 2003 under Part 6A Clause 15I requires employers who are a “Category 1 employer” to employ a person to be a return to work coordinator, or engage a person under an arrangement with a person or organisation that provides return to work co-ordinators to employers.
2. A Category 1 employer insured with CMI is an employer with more than 20 employees.
3. A return to work co-ordinator must hold:
 - i. A WorkCover certificate certifying attendance at the WorkCover accredited two day course ‘Introduction to Return-To-Work Coordination’ or
 - ii. A letter from WorkCover’s Workplace Injury Management Branch agreeing to exempt the return to work co-ordinator from the requirement to participate in WorkCover accredited training.
4. The role of the return to work co-ordinator includes;
 - i. Providing information on the return to work process and associated workers compensation benefits to injured workers.
 - ii. Obtaining the injured worker’s consent before obtaining or releasing information about the workers return to work.
 - iii. Determining the injured worker’s needs by discussion with the worker, the nominated treating doctor and other treatment practitioners.
 - iv. Working with the Insurer (CMI) as they develop an injury management plan for the injured worker.
 - v. Identifying appropriate suitable duties and assisting the injured worker to return to work as soon as possible.

- vi. Preparing a return to work plan to document suitable duties and work restrictions.
- vii. Referring to a NSW WorkCover approved workplace rehabilitation provider as needed.
- viii. Being the focal point for all contact relating to the injured worker.
- ix. Co-ordinating and monitoring progress in treatment, rehabilitation provider services and return to work plans.
- x. Assisting in the redeployment of injured workers (either internally or externally) when an injured worker cannot return to pre-injury duties.
- xi. Developing and implementing the return to work program, educating the workforce, keeping injury and return to work statistics and developing policies to improve systems.

Injured Worker Obligations

1. To cooperate with the employer to prevent work-related injuries to self and others.
2. To cooperate with the employer to enable the employer to meet their RTW obligations.
3. To cooperate in worksite changes designed to assist the RTW of fellow workers.
4. To notify the employer of a workplace injury as soon as possible after the injury.
5. To specify one nominated treating doctor or medical practice who is prepared to participate in the development and implementation of an Injury Management Plan.
6. To give consent for the nominated treating doctor to provide information for the purposes of an Injury Management Plan and RTW Plan.
7. To participate and cooperate in the establishment of an Injury Management Plan.
8. To comply with any Injury Management Plan and RTW Plan written for them. It is the worker's obligation to comply with the duties specified within the Injury Management and Return To Work Plan and endorsed by the nominated treating doctor

9. To make all reasonable efforts to return to work with the pre-injury employer as soon as possible.

Nominated Treating Doctor (NTD) Obligations

1. Completing WorkCover Medical Certificates.
2. Arranging and monitoring appropriate treatment.
3. Specifying work restrictions and advising on the suitability of duties offered by the employer.
4. Providing information to CMI and employer in relation to Injury Management and RTW Plans for injured workers.
5. Reviewing the progress of recovery of the injured worker.
6. Arranging referral to a NSW WorkCover approved workplace rehabilitation provider, if required, and if not initiated by the employer or insurer.

Injury Notification

CMI is committed to providing support and encourage the early reporting of injuries to assist employers to meet their legislative obligations to inform CMI within 48 hours of becoming aware of an injury. Notification of an injury can be verbal, faxed, emailed or posted.

Making a Claim

There is a formal process for Worker's Compensation services with regard to the lodgement of a claim. This consists of completing the appropriate claim forms and attaching WorkCover medical certificates. These must be forwarded via the employer or direct to CMI.

Liability

Determination of a claim is required within the statutory period of 21 days following receipt of a duly made claim on an employer. CMI will confirm in writing to the worker and employer the acceptance or denial of the claim. An extension to 42 days may apply in certain circumstances.

If a claim is lodged with CMI more than 21 days after the initial duly made claim was registered with the employer, CMI will be required to determine liability within 7 days.

Provisional payments

CMI's focus is on managing the worker's injury. If sufficient evidence exists to support the claim, payments can be made on a provisional basis. Provisional payments apply for certain claim types and only for significant injury time lost claims. Provisional payments apply for a maximum of 6 weeks or until liability has been determined.

Assessment of the Claim

CMI is committed to the continuing integration and development between the claims management and injury management processes. To ensure significant injuries are identified as early as possible for potential risk factors all claims are screened upon receipt to determine whether an injury management plan is required.

Early Contact

The CMI case manager will make contact with relevant parties (namely the injured worker, the employer, and where appropriate, the nominated treating doctor and any other treatment providers) within 3 days of being notified of a significant injury.

Early contact is essential in the assessment of the claim and can assist in:

- 1 Initiating communication between all parties.
- 2 Assessment of current and future treatment and/or investigations needs.
- 3 Assessment of return to work timeframes, setting a return to work goal and identification of injury benchmarks.
- 4 Determining any factors, which may provide a barrier to return to work.
- 5 Indication of whether early referral to the NSW WorkCover approved workplace rehabilitation provider is required.

Inability to Contact

The CMI Case manager will endeavour to make contact with the injured worker by telephone within 3 days of notification of the claim to CMI. This can be done at the workplace if the worker has returned to work on suitable duties. All attempts to contact the injured worker will be noted and where unsuccessful a letter will be sent requesting contact with CMI as soon as possible.

Where contact has been unsuccessful with other relevant parties a fax or letter will be sent requesting they contact CMI as soon as possible.

Information to Workers

CMI is committed to continually improving communication with injured workers and all other stakeholders. Upon notification of a significant injury CMI will provide all parties with written information outlining responsibilities, obligations, penalties for non compliance and the circumstances and process for changing the nominated treating doctor.

A worker can contact their employer, CMI or union representative for further assistance on the injury management process and their rights and responsibilities.

Injury Management Plan (IMP)

An IMP is a plan for coordinating and managing those aspects of injury management that concern the treatment, rehabilitation and retraining of an injured worker, for the purpose of achieving a timely, safe and durable return to the workforce.

The IMP must be developed and sent to all relevant parties by 20 working days post receipt of notification.

An IMP will not be developed following early contact if the worker has returned to work on pre-injury duties.

The IMP will not be developed retrospectively.

Ceasing Injury Management

The IMP process will cease when:

1. The worker returns to work on pre-injury duties.
2. The worker has returned to work on permanently modified duties.
3. Due to the worker's total or partial impairment they are incapable of undergoing rehabilitation or seeking alternative employment.
4. *The claim is declined.
5. Redemption terms are agreed to by the parties.

** Where there is a dispute regarding liability, in accordance with section 41A of the NSW Workplace Injury Management and Workers Compensation Act 1998 the injury management process does not cease. Should liability for the entire claim be subsequently declined the injury management process may then cease.*

Choice Of Nominated Treating Doctor

An injured worker has a right to choose their nominated treating doctor. In circumstances where a worker wishes to change their nominated treating doctor, the worker should contact the CMI case manager to discuss and provide details of the newly appointed nominated treating doctor. The CMI case manager will notify relevant parties under the injury management plan process as required.

Choice of NSW WorkCover approved workplace rehabilitation provider

Certain injury management plans will require the support of a rehabilitation provider to assist in the return to work process. Where a rehabilitation provider is required, the

worker has the choice as to which NSW WorkCover approved workplace rehabilitation provider is to be appointed.

Indicators for updating IMP at reviews

A revised IMP is required where:

1. Different services or actions are necessary to achieve the existing goal and those services are likely to continue for longer than 15 days.
2. The worker's fitness for work alters.
3. There is a change in the return to work goal.
4. The worker's employment ceases.
5. Suitable duties have been withdrawn.

Ongoing Injury Management Reviews

All significant injuries will be entered onto CMI's injury management database and critical review points will be set.

The following reviews will be completed post date of receipt:

- 3 weeks
- 6 weeks
- 12 weeks
- 18 weeks
- 26 weeks
- 52 weeks
- 78 weeks

These reviews will be completed by the CMI case manager. The case manager will have the option of setting additional reviews as deemed necessary relative to the specific needs of the claim. Case managers are also supported by CMI Injury management specialists.

Return to Work on Suitable Duties

CMI encourages policyholders to provide suitable duties in accordance with the provisions of the Workplace Injury Management and Workers' Compensation Act, 1998, as it applies to Coal Miners in NSW.

Where suitable duties are provided, they should be to facilitate a graduated return to full duties and the following guidelines should be adhered to:

- 1 All workers on suitable duties must have a written RTW Plan which is in accordance with fitness for work from the nominated treating doctor. A copy of the return to work plan must be forwarded to CMI within 7 days.
- 2 Suitable duties and hours must comply with WorkCover medical certificate restrictions.
- 3 The RTW Plan must be in writing and formulated in conjunction with the injured worker and agreed upon and signed by the worker, nominated treating doctor and employer.
- 4 The RTW Plan should include a review date.
- 5 Any treatment referred to within the return to work plan should only include treatment which is detailed within treating medical certificates and/or medical reports.

The CMI case manager, in conjunction with the employer, the injured worker and the NTD where applicable, will review the provision of suitable duties as part of the injury management plan. Where appropriate, referral to a NSW Work Cover approved workplace rehabilitation provider for case management will occur and documented in the IM and RTW Plans.

Vocational Retraining

If it is determined following consultation with all parties, that a return to work with the current employer is not possible, the worker, subject to the extent of the injury, will be referred for professional assistance with retraining or redeployment.

Workers are required to actively participate with any referral for retraining or redeployment.

Service Providers

NSW WorkCover approved workplace rehabilitation provider

NSW WorkCover approved rehabilitation providers will be included within the injury management process as necessary. Their role will be to assist to meet return to work goals and utilised where occupational rehabilitation services are required.

CMI will use only NSW WorkCover workplace approved service providers deemed appropriate for a safe and timely return to work. Where a rehabilitation provider is required, the injured worker has the right to select a NSW WorkCover workplace approved rehabilitation provider.

Employers operating in-house rehabilitation services are to ensure that their staff / providers are WorkCover accredited and maintain the minimum WorkCover performance levels set by WorkCover.

CMI will refer a claim to an approved rehabilitation provider for case management as deemed appropriate to facilitate the RTW goals. The referral request will be discussed with the employer prior to the referral taking place and details will be provided as to why CMI deem the referral necessary. The employer must comply with the referral for case management.

Any occupational rehabilitation services undertaken as part of the injury management process should be undertaken by a NSW WorkCover approved rehabilitation provider, in accordance with section 59 of the NSW Workers Compensation Act 1987.

Section 59 of the NSW Workers Compensation Act 1987 states;

“ occupational rehabilitation service means any of the following services provided by or on behalf of a provider accredited under section 52 of the 1998 Act or by a person, or a person of a class, prescribed by the regulations:”

The services which fall under occupational rehabilitation services are as follows;

- Initial rehabilitation assessment.
- Functional assessment.
- Workplace assessment.
- Job analysis.
- Advice concerning job modification.
- Rehabilitation counselling.

- Vocational assessment.
- Advice or assistance concerning job-seeking.
- Advice or assistance in arranging vocational re-education or training.
- Preparation of a rehabilitation plan.
- any other service prescribed by the regulations.

Injury Management Consultants (IMC)

An Injury Management Consultant (IMC) is a medical practitioner approved and registered by NSW WorkCover

IMCs will assist in resolving problems that arise about the suitability of duties offered to an injured worker given the worker's current capacity for work.

The primary role is one of facilitating a resolution if issues arise in relation to a worker's fitness for work. CMI will utilise the services of an accredited IMC when there is a disagreement about return to work and suitability of duties.

CMI will notify the worker, the nominated treating doctor and the employer of referral to an IMC.

Independent Physiotherapy Consultants (IPC)

Independent Physiotherapy Consultants will provide an independent review of an injured workers physiotherapy treatment. Dependant upon the type of review requested the Independent Physiotherapy Consultant will either:

- 1 Review the file and make recommendations about current or proposed treatment.
- 2 Review the file and contact the treatment provider to discuss treatment.
- 3 Provide physical assessment of the injured worker and contact the treatment provider with a report of recommendations to CMI.

CMI will refer to Independent Physiotherapy Consultants where there are concerns regarding:

- 1 Number of treatments provided or proposed.
- 2 No progress towards return to work or resolution of symptoms despite treatment.
- 3 Ongoing need for treatment.

Independent Medical Examiner

An independent medical examination provides the insurer (CMI) or the workers solicitor with an independent opinion regarding the workers injury and treatment. This can be undertaken to assist in decisions about rehabilitation, return to work and entitlements to compensation.

An independent medical examiner is a specialist with qualifications relevant to the workers injury.

Under Chapter 4, Section 119 of the Workplace Injury Management and Workers Compensation Act 1998, an injured worker must attend a medical assessment at the request of the insurer.

CMI must pay for reasonable costs associated with the medical assessment.

CMI may request an independent medical assessment when:

1. There is doubt as to the validity of the claim.
2. It is felt that the worker could do other duties as work.
3. There is a need to monitor progress of ongoing medical status.
4. Discrepancies between treatment requested and capacity for work exist.

Should the worker refuse (without good reason) to co-operate, there is a process in place under the Act whereby weekly benefits can be suspended until the examination takes place.

Other Service Providers

CMI will use only NSW WorkCover approved service providers deemed appropriate for a safe and timely return to work. Employers or workers engaging providers are to ensure the provider is appropriately qualified.

CMI reserve the right to conduct independent peer reviews to ensure best practice services are provided.

Dispute prevention and resolution

Any decision by CMI to dispute liability on a claim is to be evidence based and undergoes an internal review process prior to the decision being made. The process involves a review of the claim by a CMI team leader or equivalent role within CMI who is not directly involved in the management of the claim.

If CMI disputes liability in respect of a claim or any aspect of a claim, the worker will be notified in writing.

The notice will include:

1. The reason CMI is disputing liability
2. Any further information that is deemed relevant to the disputed claim; and
3. Information to the effect that the worker can also seek advice or assistance from any employee representative group, relevant Union or legal provider.

It is the worker's responsibility to initiate the conciliation process.

Complaints Handling Procedures

CMI is committed to resolving any complaints within the Service Standards.

A complaint is defined as any expression of dissatisfaction with CMI Service, which requires response or remedial action.

CMI has in place a Complaints Handling Policy for the purpose of providing a structured approach to the resolution of complaints encompassing all aspects of CMI operations.

Complaints Process

A complaint may be communicated to CMI via, phone, letter, fax, email or in person.

Verbal Complaint:

CMI staff will record the nature of the complaint and set a timetable for responding to the complaint.

The complaint will be reviewed and appropriate action undertaken to address the complaint. A response with confirmation of action undertaken will be provided within 7 days unless otherwise agreed.

Written Complaint:

CMI will investigate written complaints in the same manner to which verbal complaints are reviewed.

Following review, CMI will endeavour to make contact by phone in the first instance. A written response will be provided within 7 days unless otherwise agreed.

Resolution of complaints:

If a resolution is unable to be reached by the initial contact then it should be referred in the first instance to the CMI Workers Compensation Specialist or CMI Regional Manager.

If a complaint is unable to be resolved to the satisfaction of the complainant the complainant must be fully informed of further options they are able to take.

These include:

- 1 Contacting the CMI Claims Operations Manager.
- 2 Contacting the CMI Insurance Manager.
- 3 Seek advice from the Union.
- 4 Seek professional legal advice.

Analysis of complaints:

CMI leadership team analyse complaints to determine what action may be required whether it be procedural, training and education or system related.

CMI Contacts

Singleton

Site Address: 1 Civic Avenue, Singleton NSW 2330
Postal Address: PO Box 566, Singleton NSW 2330
Phone: (02) 6571 9999
Fax: (02) 6571 1258

Woonona

Site Address: 558 – 580 Princes Highway, Woonona NSW 2517
Postal Address: PO Box 212, Corrimal NSW 2518
Phone: (02) 4286 5430
Fax: (02) 4283 7163

Speers Point

Site Address: 143 Main Road, Speers Point NSW 2284
Postal Address: PO Box 219, Boolaroo NSW 2284
DX Address: DX 7068, Singleton NSW 2330
Phone: (02) 4948 3150
Fax: (02) 4953 0543

Sydney

Site Address: Level 21, 44 Market Street Sydney NSW 2000
Postal Address: GPO Box 5319, Sydney NSW 2001
Phone: (02) 8270 3200
Fax: (02) 9262 6090

Definitions and Commonly Used Terms

Injury Management Consultant (IMC): A registered medical practitioner experienced in occupational injury and workplace-based rehabilitation. IMCs are facilitators who will assist insurers, employers, workers and treating doctors find solutions to the problems in complex return-to-work plans and injury management. IMCs are not involved in the treatment of an injured worker, nor do they provide any opinion on the current treatment regime. Referral to an IMC should be considered when the following situations arise:

1. Confused goals,
2. Complexity of injury or workplace environment;
3. Poor communication between insurer/ employer and NTD;
4. Perceived conflict between the NTD's recommendations and the workplace requirements;
5. Disagreement about the suitability of duties offered to an injured worker.
6. Disagreement as to fitness for work.

Injury management: the process that comprises activities and procedures that are undertaken to establish for the purpose of achieving a timely, safe and durable return to work for workers following work place injuries.

Injury Management Plan (IMP): a plan for coordinating and managing those aspects of injury management that concern the treatment, rehabilitation and retraining of an injured worker, for the purpose of achieving a timely, safe and durable return to work for the worker.

Injury Management Program: a coordinated and managed Program that integrates all aspects of the injury management including treatment, rehabilitation, retraining, claims management and employment management practices, for the purpose of achieving optimum results in terms of a timely, safe and durable return to work for injured workers.

Injured worker: A worker who has received a workplace injury, some employers may wish to extend the meaning to non-work related injury and illness by broadening the eligibility criteria in their IM/RTW Program.

Insurer: A licensed insurer, Coal Mines Insurance (CMI), being the NSW Coal Industries Specialised workers compensation insurer.

Nominated Treating Doctor: means the treating doctor nominated by a worker for the purposes of an injury management plan for the worker.

Return to Work Program: An employer must establish a RTW Program with respect to policies and procedures for the rehabilitation (and, if necessary, vocational re-education) of any injured workers of the employer. An employer's RTW Program must not be inconsistent with the Injury Management Program of the employer's insurer and is of no effect to the extent of any such inconsistency

Return to Work Plan (RTWP): When a worker returns to work on suitable duties with restrictions, the employer/return-to work coordinator or a NSW WorkCover approved rehabilitation provider must write a RTW Plan. This plan must be regularly monitored, reviewed and updated by the RTW coordinator or provider. The plan must be signed off by the NTD. Physical restrictions, suitable duties, hours worked, supervision arrangements, and known treatment times and dates must be clearly outlined in the RTW Plan.

Significant Injury (SI): A workplace injury that is likely to result in the worker being incapacitated for a continuous period of more than seven days, whether or not any of those days are work days or whether or not the incapacity is total or partial or a combination of both.

Workplace Injury: An injury to a worker in respect of which compensation is or may be payable under the Act.

Appendix I

(Company) Return to Work Plan

Date of plan:

Plan Number:

Review Date:

Medical restrictions (as per medical certificate):

-
-
-

Nominated Treating Doctor

Phone number

Fax number

Current capabilities (ability to do):

-
-
-

Details of parties:

Worker's full name:

Pre-injury position:

Pre-injury hours/days

Date of birth

Claim number

Date of injury

Injury type

Agent contact

Phone number

RTW goal (short term):

RTW goal (long term):

RTW:

Specify position:

Supervisor/Manager:

Duties to be performed:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Is modification to the workplace required? Yes No

Specify:

Is training required? Yes No

Specify:

Co-workers advised of injured worker duties/restrictions (as required)? Yes No
 Additional comments:

Scheduled working hours/days							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week 1							
Week 2							
Week 3							
Week 4							

RTWP monitoring		
Person responsible	Frequency (e.g. weekly)	Communication (e.g phone)
Supervisor/Manager		
RTWC		
Insurer		
Workplace contact if the injured worker experiences any problems in relation to their RTW: Name: _____ Contact phone number: _____		

Actions		
Action item	Person/s responsible	Date to be completed

RTW Plan Approval		
	Signature	Date
Worker:		
Supervisor/Manager:		
Worker rep:		
RTWC:		
NTD:		
Union rep:		