

Workplace injuries: Don't let management stand over you

Dear Member,

Many staff in BaptistCare have been ordered by their managers to attend the company's nominated GP after a workplace injury. Other staff have been told that they are required to travel with their management to GP appointments following a workplace injury. Some have reported that BaptistCare managers are even present in the doctor's consultation room intimidating and interrogating staff.

Not only is this unreasonable, it breaches your fundamental rights to medical privacy and to choose your nominated treating doctor. Workplace injuries are serious, hence a proper diagnosis and treatment should be done by your own doctor, not a company GP.

If you have a Workers Compensation case, you have rights and responsibilities:

- You have the right to attend your own doctor or any doctor of your choosing in order to seek treatment. This Doctor will become your nominated treating doctor. Don't let the Employer's Doctor become your treating doctor.
- You also have the right to your own independent rehabilitation provider, paid for by your employer's insurer. Don't cop your employer sending you to their preferred provider.
- You have the right to be involved with your treating Doctor and rehabilitation provider, in designing your Injury Management Plan and your Return to Work Plan
- The employer has no right to attend medical appointments with you. You have to give permission for your employer to talk with your treating Doctor.
- When you give your Employer authority to speak with your treating Doctor, make sure the discussion takes place as a formal case conference, following private consultation with your treating Doctor. You should only allow your Employer to talk about the workers compensation injury management plan and the return to work plan. Some Employers try it on and ask about other information about you and your health.
- In certain circumstances your employer may, in writing, refer you to an independent examiner to assess the injury and your fitness for work. Before you go to any assessment speak to the HSU's Member Service Division on

1300 478 679 (or memberservices@hsu.asn.au) to confirm if you are or are not obliged to do so.

- The Workers Compensation and Workplace Injury Management laws provide you with rights. The best way to protect your rights is to know them and stick to them.

Workplace policies don't override your rights and don't override the law.

If this ever happens to you, please inform your local organiser or email Andrew Tran on andrew.tran@hsu.asn.au.

In unity,

A handwritten signature in black ink, appearing to read 'Gerard Hayes', with a long, sweeping underline.

Gerard Hayes
Secretary, HSU NSW/ACT/QLD

Your Health Rights @Work

Increasingly members tell us that they are being directed to make their employer's doctor their Nominated Treating Doctor for workers compensation claims. In addition, employers are asking injured workers to disclose their full medical history when making a workers' comp claim or notifying them of a non-work related injury. Members have also reported that employers are demanding to sit in on their medical appointments.

Don't cop your employer trying these tactics on. Know your rights.

- You have the right to attend your own doctor or any doctor of your choosing, in order to seek medical treatment for your workers' comp injury. This doctor will become your Nominated Treating Doctor. You have the right to change your Nominated Treating Doctor too.
- You have the right to choose an independent rehabilitation provider, paid for by your employer's workers comp insurer.

You can change your rehabilitation provider if you wish to do so, at any time. The HSU recommends the union run rehab provider, the Workers Health Centre, www.workershealth.com.au/

- If you have a workplace injury that is likely to result in you being incapacitated for work for a continuous period of more than 7 days, an injury management plan must be established by your employer and their insurer, with you and your doctor's participation.
- Your employer's return to work coordinator must consult with you and your doctor, the insurer, other treating health professionals and the HSU if you wish, to:
 - Establish a common return to work goal, usually your pre-injury duties
 - Identify, agree and offer suitable duties
 - Design a return to work plan, which specifies the duties to be performed



- Monitor your progress and upgrade the return to work plan until you have achieved your goal.
- If there is a dispute as to liability for your injury, your injury management plan stays in place, while that dispute is proceeding.
- Your employer has no right to attend medical appointments with you, without your permission. Sometimes, with your consent, your employer talking to your doctor, your rehab provider and you, can be useful to sort out injury management and return to work plan issues.
- When you give your employer authority to communicate with your treating doctor to discuss injury management and return to work plans. Make sure your doctor only talks about your injury or ill health, specifically related to your injury management plan, return to work plan and the inherent requirements of your job. Some employers try it on and seek a much wider range of information about you and your health.
- In most cases your doctor's workers comp certificate of capacity should be accepted as proof of your work related injury or ill health. If there is a genuine uncertainty; over your capacity to work, injury or ill health, you may be referred in writing to an independent medical examiner, to assess your workers' comp injury and your fitness for work. Before you go to any assessment speak to the **HSU's Member Service Division on 1300 HSU NSW (478 679)** to confirm if you are obligated, or not, to do so.

Remember, workplace policies on workers comp don't override these rights.



Health Services Union

INJURED AT WORK? DO...

- **Do** see your own doctor, not the company doctor
- **Do** get your doctor to fill out a NSW Workers Compensation Certificate of Capacity
- **Do** notify your employer of a workplace injury as soon as possible
- **Do** fill out an incident Report Form or Injury Register.
- **Do** keep a copy, refer it to your HSR/Delegate and note any witnesses
- **Do** take a witness when you talk to a management person about your injury
- **Do keep copies** of all documents and keep **a diary**
- **Do** treat injuries seriously no matter how minor

Call the Member Services Division for help and advice

Phone: 1300 478 679 | **E-mail:** info@hsu.asn.au | **Web:** www.hsu.asn.au



Health Services Union

INJURED AT WORK? DON'T...

- **Don't** be told which doctor to see - it is **YOUR RIGHT** to see your own doctor
- **Don't** go to a company doctor for medical treatment . You have the right to choose your own doctor
- **Don't** be talked out of making a Workers Compensation claim
- **Don't** assume that all managers will advise you correctly
- **Don't** rely on management to fill in the claim form for you contact your union or the Workers Health Centre for help
- **Don't** accept a supervisor or management person coming into your doctor's rooms with you - your medical details are **PRIVATE**
- **Don't** meet with management alone - contact your Health & Safety Representative / Delegate

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