



anf policy

australian nursing federation

workers' compensation and rehabilitation for injured and ill nurses and midwives

The goal of the Australian Nursing Federation' is the restoration of nurses or midwives who suffer workplace physical or psychological injury or illness to their pre-injury or illness situation.

This will require:

- workers' compensation payments
- rehabilitation services
- improved return to work arrangements

Workers' Compensation

It is the policy of the Australian Nursing Federation that:

1. Coverage for all members of the nursing and midwifery workforce regardless of age (including the self-employed).
2. Compensation for all injuries and illnesses that arise, regardless of fault, out of or in the course of work, including injuries and illnesses incurred during:
 - travel to and from work
 - meal and recreation breaks.
3. Weekly payments of 100% of pre injury earnings, whether or not suitable employment is provided, which take account of:
 - overtime and penalty rates
 - higher duty payments
 - superannuation payments.
4. Payment of the cost of required medical and associated expenses - including for allied health services, aids, childcare, domestic assistance, motor vehicle and house alterations.
5. Lump-sum compensation for permanent disability, including for pain and suffering associated with the disability.
6. Common law rights for workers to sue their employer for negligence, in addition to statutory compensation.
7. Fair and efficient delivery of benefits.

8. Access to other types of income support that the nurse or midwife is entitled to receive, such as benefits from an insurance policy.
9. No reduction in compensation payments through the nurse's or midwife's superannuation or redundancy payments.
10. Compensation for the nurse's or midwife's dependants upon the work-caused death of a nurse or midwife.

It is also the policy of the Australian Nursing Federation that:

1. Nurses or midwives who are not Commonwealth employees should be covered by a State or Territory compensation scheme.
2. Compensation for workers suffering dust diseases should be administered by Dust Disease Tribunals (based on the current NSW model) in all jurisdictions.
3. In each jurisdiction a single public body with government, union and employer representatives should administer workers' compensation (except for the administration of dust disease payments).
4. Employers should not be able to self-insure.
5. An independent appeals tribunal in each jurisdiction should conciliate and arbitrate on disputed claims without cost to the appellant.

Rehabilitation and Return to Work

It is the policy of the Australian Nursing Federation that:

1. Rehabilitation should be a proactive process which restores a nurse or midwife to optimal physical, psychological, social, vocational and economic situation following injury or ill health.
2. Injured and/or ill nurses or midwives should be provided with sustainable, safe, meaningful and durable return to work, identified through consultation with the injured/ill nurse or midwife, his/her employer, treating doctor and other key stakeholders.
3. Nurses and midwives should be returned to their pre-injury employment if possible or receive redeployment and retraining assistance to achieve other suitable productive nursing or midwifery employment.
4. Injured and/or ill nurses or midwives who cannot return to nursing or midwifery should receive assistance for training and re-skilling to achieve meaningful and productive alternative employment.
5. Strategies for long term injured nurses or midwives who could never return to work in any capacity should encompass restoration of quality of life to the optimal possible level.

6. Rehabilitation should commence at the moment of injury/ill health and continue until the nurse or midwife obtains optimal function.
7. An ill or injured nurse or midwife should be entitled to:
 - comprehensive advice of their full entitlements to rehabilitation and return to work;
 - access to multi-disciplinary rehabilitation;
 - consultation, together with their treatment providers, on plans for return to work, including where necessary appropriate redeployment and retraining;
 - access to treating doctors, allied health professionals and accredited rehabilitation providers of choice at all stages of rehabilitation; and
 - participation in assessment of their work and workplace to assist in the development and modification of their return to work plan.
8. All injured and ill nurses and midwives should be entitled to:
 - union representation on rehabilitation and return to work;
 - vocational advice and training;
 - a safe and healthy working environment;
 - respect and protection against discrimination for their injury / illness;
 - confidentiality of their health records (subject to their written permission to disclose or provide access to their records).

The Role of Regulatory Authorities

It is the policy of the Australian Nursing Federation that:

1. The workers compensation regulatory authorities must meet their obligations to assist injured nurses and midwives with compensation, rehabilitation and return to work, including through enforcement of employer obligations, with adequately empowered and resourced inspectorates.

The Role of Employers

It is the policy of the Australian Nursing Federation that:

Employers must meet their obligations to assist injured nurses and midwives by:

1. Providing advice and training in compensation, rehabilitation and return to work to management, supervisors and employees.
2. Ensuring that employer representatives responsible for compensation, rehabilitation and return to work have appropriate training and qualifications.
3. Encouraging reporting of incidents, injuries and illnesses as soon as practicable by nurses and midwives.

Australian Nursing Federation's Commitment

It is the policy of the Australian Nursing Federation that:

1. Australian Nursing Federation Branches will assist injured and ill nurses and midwives with advice, support and representation on compensation, rehabilitation and return to work.
2. Australian Nursing Federation Branches will work with other Unions to achieve improved workers compensation, rehabilitation and return to work outcomes for their members.
3. The Australian Nursing Federation Federal Office will coordinate ANF national activities with the Australian Council of Trade Unions and with SafeWork Australia on workers' compensation, rehabilitation and return to work.

endorsed may 2010

Please note the ANF OH&S Workers Compensation Committee rescinded "rehabilitation of nurses following injury or ill health" May 2010 to replace with this one.