



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

The aim of the Australian Nursing and Midwifery Federation (ANMF) is the restoration of nurses or midwives who suffer work related physical or psychological injury or illness to their pre-injury or illness situation.

This requires:

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

Workers' Compensation

It is the policy of the Australian Nursing & Midwifery Federation that workers' compensation systems must provide:

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 including mental health issues and psychological injuries 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 average weekly* earnings, whether or not suitable employment is provided, which take account of:
 - overtime and penalty rates
 - higher duty payments
 - superannuation payments.
4. For accrual of all leave entitlements, including annual leave and sick leave, while receiving incapacity benefits.
5. Upfront payment of the cost of required medical and associated expenses – including for allied health services, aids, childcare, domestic assistance, motor vehicle and house alterations.
6. Payments for like services including travel costs to appointments related to the compensable injury.
7. Lump-sum compensation for permanent disability, including for pain and suffering associated with the disability, as well as any subsequent deterioration resulting in further permanent disability.



8. Common law rights for workers to sue their employer for negligence, in addition to statutory compensation.
9. Timely, efficient and fair processing of injury claims and provision of benefits.
10. Access to other types of income support that the nurse or midwife is entitled to receive, such as benefits from an insurance policy.
11. No reduction in compensation payments through the nurse's or midwife's superannuation or redundancy payments.
12. Compensation for the nurse's or midwife's dependants upon the work-related death of a nurse or midwife.
13. Compensation for direct relatives who are non-dependants for nervous shock upon the work-caused death of a nurse or midwife.

It is also the policy of the Australian Nursing & Midwifery 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) or a like method 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. 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 & Midwifery 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 and should be available for both work related and non work related injuries and illnesses.
2. Injured and/or ill nurses or midwives must have the right to choose their own treating doctor, allied health professionals and rehabilitation provider at all stages of rehabilitation.
3. 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.
4. Injured or ill nurses and midwives should be returned to their pre-injury employment where possible or be provided with redeployment and assistance for retraining and education so as to achieve alternative meaningful and productive nursing or midwifery employment.



5. Injured or ill nurses and midwives who are not able to return to work should be assisted to a restored quality of life to the maximum extent possible.
6. Rehabilitation should commence at the moment of injury or illness where appropriate 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;
 - participation in assessment of their work and workplace to assist in the development and modification of their return to work plan;
 - 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;
 - attend medical/rehabilitation appointments during paid work time (where the nurse/midwife is on a return to work plan); and
 - confidentiality of their health records (subject to their written permission to disclose or provide access to their records regarding their work-related injury).

The Role of Regulatory Authorities

It is the policy of the Australian Nursing & Midwifery Federation that:

1. The workers' compensation regulatory authorities must meet their obligations to assist injured/ill 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 & Midwifery Federation that:

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

1. Assisting injured or ill nurses and midwives with fair and effective workers' compensation, rehabilitation and suitable employment.
2. Establishing supportive relationships in the workplace for injured/ill nurses and midwives.
3. Providing advice and training in compensation, rehabilitation and return to work to management, supervisors and employees.



4. Ensuring that employer representatives responsible for compensation, rehabilitation and return to work have appropriate training, competencies and authority to make decisions.
5. Encouraging reporting of incidents, injuries and illnesses as soon as practicable by nurses and midwives so that support and assistance can be provided.

Australian Nursing and Midwifery Federation Members

Australian Nursing and Midwifery Federation members who suffer a work-related injury or illness should:

1. Report their injury or illness as soon as possible to their employer and ensure that a copy of the report is kept.
2. Consult their treating practitioner to ensure that adequate care is received for the injury or illness sustained.
3. Promptly submit a completed Workers' Compensation Claim form for their injury or illness.
4. Maintain active involvement in their rehabilitation and co-operation with return to work plans.

Australian Nursing and Midwifery Federation Commitment

It is the policy of the Australian Nursing & Midwifery Federation that:

1. ANMF Branches will assist injured and ill nurses and midwives with advice, support and representation on compensation, rehabilitation and return to work.
2. ANMF Branches will work with other Unions to achieve improved workers' compensation, rehabilitation and return to work outcomes for their members.
3. The ANMF Federal Office will coordinate ANMF national activities with the Australian Council of Trade Unions and with Safe Work Australia on workers' compensation, rehabilitation and return to work.
4. The ANMF and respective Branches will continue to lobby for changes to legislation relating to workers' compensation, rehabilitation and return to work that reflects the position of ANMF Policy.

*Endorsed May 2010
Reviewed and re-endorsed November 2013
Reviewed and re-endorsed August 2016*

*See relevant State of Territory legislation.