

## Welcome...

This edition of the Rehab Review features an in depth look at the principles of confidentiality, as they apply to Workplace Rehabilitation and Return to Work Coordinators in schools. The new look Q-COMP website is also profiled to help you find important information on workers' compensation claims and rehabilitation processes.

Following up on the issue raised in the last edition of

medical reports relating to employees on rehabilitation, we will be looking more closely at their access and storage.

If you have any feedback on the Rehab Review newsletters or would like to contribute an article, please contact Clare on 3235 4030 or at [Clare.Reardon@qed.qld.gov.au](mailto:Clare.Reardon@qed.qld.gov.au).



## What's New in Rehab?

### New Forms available for Download

WorkCover have updated their Application for Compensation and Employer Report forms. These new forms are shorter than previous versions.

The Application for Compensation form is available for download from <http://www.workcover.qld.gov.au/Formsa362sheets/Worker692sheets.html>. The Employer's Report form can be downloaded from <http://www.workcover.qld.gov.au/Formsa362sheets/Employ917sheets.html>.

The Q-Super Income Protection Benefit Claim Form has also been amended. It now includes Part C

which is to be completed by the Treating Medical Practitioner. This form, and accompanying guide are available at <http://www.qsuper.qld.gov.au/document/IB01.pdf>.

### Rehabilitation Staff Changes

The South Coast District has farewelled Senior Rehabilitation Consultant Jessica Glide. This vacancy has been advertised.

Bonny Shore has commenced in the role of Senior Health, Safety and Rehabilitation Consultant in the Mackay-Whitsunday Region. Bonnie has worked for both CRS and WorkCover. Welcome Bonny!

## Confidentiality

The standards for rehabilitation, contained in the *Workers' Compensation and Rehabilitation Regulation 2003*, outline the fundamental principles of rehabilitation and return to work processes. The standards relating to Worker's File (s68) and Confidentiality (s73) both provide details of how to manage documents containing personal information relevant to an employee's rehabilitation.

Section 68 of the Regulation states that a confidential file must be kept for each employee undertaking rehabilitation. This file must contain all of the relevant documentation relating to that employee's rehabilitation. The standard states that the rehabilitation file should be kept separate from all other company files and appropriately stored to maintain confidentiality.

To achieve the standard required in this section, rehabilitation files should be securely stored when not in use, e.g. in a locked filing cabinet. These files should only be accessible to the Rehabilitation and Return to Work Coordinator. It is not appropriate for these files to be accessed by other school personnel, including the school principal.

Section 73 of the Regulation states that information obtained during the rehabilitation process must be treated with sensitivity and confidentiality. It also states that the employee's written authorisation must be obtained where it is necessary for the employer to obtain or release information associated with the injured employee's rehabilitation.

This section identifies the need to obtain consent

from the injured employee before obtaining or providing personal information about that employee. It is important to discuss the limitation of confidentiality with the injured employee at the start of the rehabilitation process. They need to know that from time to time you may discuss their case with the Senior Rehabilitation Consultant in your region or other appropriate rehabilitation personnel to assist in providing the most appropriate rehabilitation for them. It is also important to ask for their consent to provide relevant information to their manager or principal. Without that consent you are only able to discuss aspects of the case relevant to the workplace. The injured employee should be made aware of this.



Examples of information which may be communicated to the manager/principal without the employee's consent include the general nature of the injury, leave arrangements, work task limitations and suitable duties, the impact of the injury on work and regular general progress updates. Without consent you would not provide access to copies of documents, specific diagnosis, information about treatment, or the impact of the injury outside of work. It is still important to exercise discretion even where the injured employee has provided their consent for you to release information. You should divulge only what is necessary and relevant.

Your regional Senior Rehabilitation Consultant is available to advise you regarding the confidentiality of information obtained for an employee's rehabilitation and is able to assist you in managing these very important obligations.

# Frequently Asked Questions

## Can I make a WorkCover claim if I am injured at work on the school holidays?

It is common practice during school holidays for employees, particularly teachers, to undertake work at a school in preparation for the coming term. It is important to be aware that even though this work is undertaken during the school holidays, the Department still has a duty of care to ensure the safety of these employees. In addition, should an employee be injured while performing work related activities at the school during school holidays, they are still able to lodge a WorkCover claim. Employees planning on working during school holidays should discuss this with their principal first.

## Can an employee access their rehabilitation file?

Employees are able to view and ask for copies of their rehabilitation file. There is no need for this request to go through a Freedom of Information process. If you are concerned that releasing the content of the file may be detrimental to the employee's health, you may choose to have the information released through the treating medical practitioner. In this way, the information release process can occur in a supported environment. Many medical reports conclude with a statement about release of the file to the employee. Please ensure that information release is managed in a way consistent with the instructions of the report writer.

## Accessing & Storing Medical Reports

In the last issue of the Rehab Review we looked at when to access reports from Q-Super and WorkCover. The *Workers' Compensation and Rehabilitation Regulation 2003*, section 99B, advises that Rehabilitation and Return to Work Coordinators should develop suitable duties and rehabilitation and return to work plans consistent with the current medical certificate or report for the employee's injury. It is therefore important to ensure that you are accessing all available medical information which may assist in the development of appropriate rehabilitation programs for injured employees.

If you become aware of relevant medical reports held by Q-Super or WorkCover, we encourage you to discuss accessing this information with your regional Rehabilitation Consultant. If these discussions highlight that the complexity of the claim warrants greater involvement by the Rehabilitation Consultant and meets case management priorities, then the file could be sent to Regional Office for on-going management.



Alternatively, if discussions highlight that the Rehabilitation and Return to Work Coordinator is the most appropriate person to continue providing case management, however they are unable to guarantee the complete confidentiality of this report at their school/workplace, a decision may be reached that the report (but not the rehabilitation file) will be held in Regional Office.

Sometimes it can be difficult to understand and make sense of medical reports. If you are not sure of the meaning of information in a medical report, your regional Rehabilitation Consultant may also be able to assist with this, or direct you to resources which will help.

## New Look Q-COMP Website

The Q-COMP website, at <http://www.qcomp.com.au>, has been substantially upgraded. The new site includes pages for: workers, insurers, employers, Rehabilitation and Return to Work Coordinators, health professionals and legal professionals. Each of these pages contains links to relevant fact sheets.

The Rehabilitation and Return to Work Coordinators page ([http://www.qcomp.com.au/employers/return\\_to\\_work.html](http://www.qcomp.com.au/employers/return_to_work.html)) has links to fact sheets on topics including:

- entitlements to compensation
- reviews of legislative changes
- applications for review
- the rehabilitation standard
- how to meet the rehabilitation standard
- dismissal provisions
- the Medical Assessment Tribunal and
- policy development.

The page for medical professionals at <http://www.qcomp.com.au/medicalservices/index.html>, has links to a number of fact sheets for medical professionals which you might find both interesting and useful.

## Useful Websites to Visit

Visit <http://www.abc.net.au/health/regions/cguides/alliedhealthservices.htm> for good, brief summaries of what different allied health professions can offer.

Are you looking for resources to support an injured worker? The Lifetec (formerly Independent Living Centre) website at <http://www.lifetec.org.au/home/default.asp> is worth a visit.