



Workers' compensation and rehabilitation position statement

1. Purpose

This position statement sets out the principles the Australian Nursing and Midwifery Federation (ANMF) considers must apply to a fair workers' compensation and return to work system. It also sets out the responsibilities the ANMF considers should be met by the relevant regulatory authorities and employers and the steps ANMF members should take if they are injured or become ill. This position statement should be read with the ANMF workplace health and safety position statements.¹

2. Definitions

Workers' compensation is a type of insurance designed to offer workers a safety net if they become injured or ill because of work. It offers financial support to enable workers to focus on getting better without having to worry about treatment costs. It also provides rehabilitation services to ensure workers have a safe, durable and timely return to work. In Australia, employers are compelled by law to have this insurance cover for their workers.

Rehabilitation is a managed process involving timely intervention with appropriate and adequate services based on assessed need. It aims to enable injured or unwell workers to return to suitable employment.

Return to work programs aim to help workers get back to work, or to stay at work, while they recover from injury or illness.

3. Context

The ANMF aims to see nurses, midwives and assistants in nursing who suffer work related physical or psychological injury or illness restored to health and their pre-injury or illness situation.² To this end, the ANMF works with other unions to advocate for fair workers' compensation payments; effective rehabilitation services and improved return to work arrangements. The ANMF also provides advice, support and representation to injured and ill members.

4. Position

Workers' compensation

It is the position of the ANMF that:

1. Workers' compensation systems must:
 - cover all workers, including self-employed workers, regardless of age
 - compensate all injuries that arise through or in the course of work regardless of fault, including injuries and illnesses incurred during:
 - travel to and from work
 - meal and recreation breaks
 - compensate for all types of workplace injuries and illnesses including mental health illnesses and injuries that arise from psychosocial hazards

¹ The ANMF has a comprehensive suite of position statements about workplace health and safety. This suite is available [here](#).

² Assistant in nursing refers to all care workers however titled.



- provide weekly payments at 100 per cent of the workers pre-injury average weekly earnings, taking into account:
 - overtime and penalty rates
 - applicable allowances
 - higher duty payments
 - superannuation
 - allow the accrual of all leave entitlements, including annual leave and personal leave, while receiving incapacity payments
 - pay upfront the cost of all necessary medical and associated expenses including travel to appointments, allied health services, treatment or rehabilitation aids, childcare, domestic assistance, and motor vehicle and house alterations.
 - make a lump-sum compensation payment for permanent disability that also takes into account the pain and suffering associated with the disability and the likelihood of subsequent deterioration resulting in further permanent disability
 - uphold common law rights for workers to sue their employer for negligence in addition to statutory compensation
 - ensure injury claims and payments are timely and efficient
 - ensure payments are not impacted by, and have no adverse impact on, the worker's access to any other income support they are entitled to receive, such as benefits from a personal insurance policy
 - ensure compensation payments are not reduced through the worker's superannuation or redundancy payments
 - compensate dependants on the work-related death of a worker
 - compensate direct relatives who are non-dependants for nervous shock upon the work-caused death of a worker.
2. Workers who are not Commonwealth employees must be covered by a state or territory compensation scheme.
 3. In each jurisdiction, a single public body comprising government, union and employer representatives should administer workers' compensation – except for dust disease payments.
 4. In all jurisdictions, compensation for workers suffering from dust diseases should be administered by a dust disease tribunal as per the NSW model.
 5. Each jurisdiction should also have an independent appeals tribunal to conciliate and arbitrate on disputed claims at no cost to the appellant.



Rehabilitation and return to work

It is the position of the ANMF that:

6. Rehabilitation should be a proactive process that aims to restore a worker to optimal physical, psychological, social, vocational and economic health following injury or illness.
7. Rehabilitation should be available for work-related and non-work-related injuries and illnesses.
8. Workers needing rehabilitation must retain the right to choose their treating doctor, allied health professionals and rehabilitation provider at all stages of their rehabilitation.
9. Rehabilitating workers should have a sustainable, safe, meaningful and durable return to work program that is determined and agreed through consultation with the worker, the employer, the treating doctor and other relevant stakeholders.
10. Rehabilitating workers should be returned to their pre-injury employment where possible.
11. When it is agreed that a return to their pre-injury employment is not possible, the worker must be offered redeployment and assistance with retraining and education so they can achieve alternative meaningful and productive nursing or midwifery employment.
12. When it is agreed that a worker is not able to return to work at all, the worker must be assisted to restore their quality of life to the maximum extent possible.
13. Rehabilitation should commence at the moment injury or illness occurs if possible and continue until the worker obtains optimal function.
14. An ill or injured worker should be entitled to:
 - comprehensive advice about their rehabilitation and return to work entitlements
 - access to multi-disciplinary rehabilitation
 - input into all plans for their return to work, including plans for redeployment and retraining
 - input into work and workplace assessments for developing and modifying their return-to-work plan
 - union representation on all rehabilitation and return to work matters
 - vocational advice and training
 - a safe and healthy working environment
 - respect and protection against discrimination because of the injury or illness
 - ability to attend appointments related to their rehabilitation or return to work in paid work time when the worker is on a return-to-work plan
 - confidentiality of their health records regarding their work-related injury, with disclosure or access subject to their written permission.



The role of regulatory authorities

It is the position of the ANMF that:

15. Workers' compensation regulatory authorities must meet their obligations to help injured or ill workers with compensation, rehabilitation and return to work by:
 - ensuring their agents meet their responsibilities to injured or ill workers for fair, effective and timely compensation, rehabilitation and return to work
 - enforcing employer obligations for compensation, rehabilitation and return to work through adequately empowered and resourced inspectorates
 - promoting vocational rehabilitation for injured or ill workers who are unable to return to their pre-injury employer or move to a new employer
 - providing clear and comprehensive advice and guidance to injured or ill workers so they understand their full compensation, rehabilitation and return to work entitlements.

The role of employers

It is the position of the ANMF that:

16. Employers must meet their obligations to help injured or ill workers by:
 - providing timely and easy access to fair and effective workers' compensation, rehabilitation and suitable employment
 - establishing supportive relationships in the workplace for injured or ill workers
 - providing advice and training in compensation, rehabilitation and return to work to management, supervisors and employees
 - ensuring employer representatives responsible for compensation, rehabilitation and return to work have the competency and authority to make decisions
 - encouraging all workers to report incidents, injuries and illnesses as soon as practicable so that support and assistance can commence.

ANMF members

17. ANMF members who suffer a work-related injury or illness should:
 - report their injury or illness to their employer as soon as possible and ensure they keep a copy of their report
 - consult a treating practitioner immediately
 - submit a completed Workers' Compensation Claim form as soon as possible
 - stay actively involved in their rehabilitation and co-operate with agreed return to work plans
 - seek advice from the ANMF as needed.

5. Position statement management

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