

Victoria Police Manual – Procedures and Guidelines

Workers' compensation leave

Policy Link

These Procedures and Guidelines support and must be read in conjunction with the following:

- VPMP Leave

Application

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the Professional and Ethical Standards to inform the decisions they make to support interpretation of Procedures and Guidelines.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the Procedures and Guidelines must be used to help make decisions in support of the rules.

Procedures and Guidelines

1. Definition

For the purpose of these procedures and guidelines 'Full Pay' means the Employee's Ordinary Rate of Pay and includes any allowance which would ordinarily be payable in respect of every pay period in a year.

2. Purpose

Workers' compensation leave seeks to minimise the financial impact of an illness or injury sustained during the course of employment, and reduce stress associated with uncertainty about the employee's future.

3. Entitlement

3.1 *All employees*

- Employees may be entitled to access worker's compensation leave if they have lodged a Workcover claim for lost time, and have provided certificates of capacity, and the Workcover Agent has accepted liability for the claim.
- Until liability for a Workcover claim is determined, an employee's absence will automatically be deducted from their accrued personal leave. If this has been exhausted then leave without pay will apply unless the employee agrees or gives permission to debit recreation or long service leave. If liability is accepted, deducted accrued leave is re-credited to the employee and any pay deducted during this period will be reinstated.
- If a Workcover claim is accepted, the employee is entitled to accident compensation make-up pay on full pay for 52 weeks or 261 working days (continuous or aggregate) from their date of incapacity.
 - If an employee on workers' compensation leave obtains either a judgement or settlement of a claim for civil damages in connection to the same injury, the employee must repay any payments made under the *Accident Compensation Act 1985*, up to the amount awarded or settled, in compensation for their loss of earnings.
- Any employee receiving compensation for this injury under the *Accident Compensation Act 1985* or the *Workers' Compensation Act 1958* must be granted leave with pay less the amount of weekly compensation.
- Employees on accident makeup pay will continue to accrue other leave entitlements.

3.2 *Additional entitlement*

Police employees (excluding recruits, Protective Services Officers and VPS employees) are entitled to receive an additional period of 52 weeks make up pay, up to 104 weeks or 522 working days (continuous or aggregate) from the date of incapacity, at 90 per cent of full pay.

3.3 *Entitlement ceases*

Worker's compensation make up pay ceases when any of the following occur:

- The entitlement period described above has been exhausted.
- The day the employee returns to work after being deemed fit to resume pre-injury hours and suitable duties at Victoria Police have been provided.
- On the date the employee receives a disability benefit from either Emergency State Services Super fund or the State superannuation scheme.

- When employment is terminated.

4. Applying

4.1 *Employees' responsibilities*

All employees who suffer an illness or injury at work and wish to claim for lost time and/or medical expenses are required to:

- Complete the Health and Safety Incident Reporting and Investigation process through the MSS/ESS portal to HR Assist.
- Complete a Workcover Worker's Claim form (available from departmental/regional business centre, Safety Division, the WorkSafe website or a post office) and submit the completed claim form together with an initial Workcover Certificate of Capacity through their Work Unit Manager.
- Continue to provide certificates of capacity in a timely manner to ensure accurate preparation and payment of entitlements. Failure to do so will adversely impact on the pay the employee is entitled to receive.

4.2 *Work Unit Managers' responsibilities*

- Complete the employer section of the claim and lodge this with the Workcover unit as soon as possible to ensure that the claim can be forwarded to the Workcover Agent within 10 days of the claim being received by the employer.
- Work Unit Managers will submit/certify oracle timesheets upon receipt of ongoing certificates of capacity.
- Ensure any Workcover certificates are forwarded to the Workcover Unit without delay.

5. Other obligations

5.1 *Employee*

- Make reasonable efforts to return to work in suitable or pre injury duties.
- Make reasonable efforts to participate and cooperate in planning for a return to work.
- Inform Victoria Police of any relevant changes in their status and work capacity, and cooperatively work with the employer to enable a timely return to work in suitable duties.

5.2 *Management*

- Provide the injured employee with suitable work consistent with their capacity as stated on the certificate of capacity or an assessment issued by the Police Medical Officer.
- Actively plan for the employee's return to work.

Further Advice and Information

For further advice and assistance regarding these Policy Rules and Guidelines, contact the Employee Relations Branch in the Human Resource Department or email PBEA: [PEOPLE EMPLOYEE RELATIONS-MGR](#).

Update history

Date of first issue	18/06/2012	
Date updated	Summary of change	Force File number
11/02/13	Updated to reflect organisational governance and structural changes.	FF-074790