



SERVICE STANDARD 7.1.3 WORKERS COMPENSATION FOR NSW RFS VOLUNTEERS

ITEM	DESCRIPTION
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SOPs	<ul style="list-style-type: none">➤ SOP 7.1.3-1 Responsibilities relating to volunteer workers compensation➤ SOP 7.1.3-2 Notification of volunteer injuries and workers compensation claim lodgement➤ SOP 7.1.3-3 Lodging claims for volunteer personal property loss or damage
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1 Purpose

- 1.1 The NSW Rural Fire Service (NSW RFS) is committed to the prevention of injuries and illness to all members by providing a safe and healthy working environment.
- 1.2 Workers compensation provisions afford NSW RFS volunteer members with benefits to cover:
 - a. loss of earnings and payment of medical and vocational rehabilitation expenses for injuries or illnesses sustained through performing NSW RFS authorised activities, and
 - b. expenses associated with the loss or damage of personal property arising out of NSW RFS authorised activities.
- 1.3 The NSW RFS is committed to:
 - a. ensuring volunteer members are provided with information and assistance to promptly lodge a workers compensation claim;
 - b. supporting injured volunteers in their recovery and return to duties; and
 - c. a cooperative approach being taken with regard to the administration of all volunteer workers compensation matters, as outlined in an established Memorandum of Understanding (MOU) between the NSW RFS and the NSW Rural Fire Service Association (RFSA) 2010.
- 1.4 This Service Standard covers workers compensation for NSW RFS volunteer members only. (For salaried members, please refer to policy P3.4.1 Workers Compensation and Injury Management for NSW RFS Employees).
- 1.5 All members are required to adhere to this Service Standard.

2 Definitions

2.1 For the purpose of this Service Standard, the following definitions apply:

- a. **Authorised Activities:** approved NSW RFS brigade activities including, but not limited to:
 - i. fire fighting and prevention operations, including fire suppression and hazard reduction, and support roles such as catering, communication and aviation roles;
 - ii. preparatory work, including training and instruction, equipment/vehicle maintenance, meetings, community engagement and fundraising; and
 - iii. other associated operation or work as defined in Section 8 of the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*.
- b. **Certificate of Capacity:** the primary tool for the Nominated Treating Doctor (NTD) to communicate with all parties involved in the rehabilitation process. The NTD is responsible for completing the Certificate of Capacity in the format prescribed by the State Insurance Regulatory Authority (SIRA).
- c. **icare:** used throughout this Service Standard to mean the Claims Support Services team of icare insurance for NSW, who are responsible for managing workers compensation claims under the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, including case management, return to work and injury management assistance for NSW RFS volunteers.
- d. **icare Case Manager:** a duly delegated officer of icare Claims Support Services who is responsible for managing a claim.
- e. **Injured Volunteer:** a NSW RFS volunteer member who sustains any injury or illness arising out of, or in the course of:
 - i. performing authorised activities as defined above, or
 - ii. a relevant journey in relation to an authorised activity.Note: The injury or illness may include a disease if the authorised activity or relevant journey was a contributing factor.
- f. **Injury Management Plan (IMP):** a document created by icare providing details of the injured volunteer's return to work and recovery goals, including treatment, rehabilitation and stakeholders' obligations and responsibilities.
- g. **Next in charge:** the supervisor or manager directly in charge of a NSW RFS member e.g. in the case of volunteer members, for an officer or member of a brigade this would be the captain, and for a captain or group officer the District Manager.
- h. **Nominated Treating Doctor (NTD):** the principal medical practitioner nominated by the injured volunteer to manage their treatment and recovery, and assist them to return to duties safely.
- i. **Presumptive cancer legislation:** Section 10A of the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, which states that certain cancers may be presumed to be contracted in the course of fire fighting, provided the relevant qualifying periods of service have been met.
- j. **Pre-Injury Duties:** the injured volunteer's normal work duties (both paid and voluntary), as specified in their position description/role statement, as performed prior to their injury.
- k. **Relevant Journey:** a journey between the home or place of employment of a NSW RFS volunteer member, or place from which the NSW RFS volunteer member was called, and the place where the authorised activities are carried out, where the journey is made exclusively and genuinely for the purpose of engaging in the authorised activity. The journey commences and ends at the boundary of the home or place of employment.

- l. **Stakeholders:** include, but not limited to, the injured volunteer, the NSW RFS, the injured volunteer's employer, icare, the NTD, other treating health practitioners and rehabilitation providers.
- m. **Volunteer Workers Compensation Liaison Officer (VWCLO):** an employee of the NSW RFS whose role it is to provide advice and assistance in relation to volunteer workers compensation, facilitate the lodgment of workers compensation claims, and liaise with icare and other stakeholders as required in relation to the management of workers compensation claims.

3 Policy

General

- 3.1 All NSW RFS volunteers are entitled to claim workers compensation if they sustain an injury or have lost/damaged personal property arising out of or in the course of performing authorised activities.
- 3.2 Workers compensation entitlements are defined by the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987* and the *Workers Compensation Act 1987*. (Note: most of the amendments made to the *Workers Compensation Act* in 2012, 2015 and 2018 do not apply to volunteer bush fire fighters.)
- 3.3 icare is the fund manager responsible for determining liability and managing volunteer workers compensation claims.
- 3.4 The NSW RFS is committed to assisting injured volunteers to lodge workers compensation claims, and supporting them in their recovery and safe return to duties.
- 3.5 Volunteer workers compensation claims will be lodged to icare by the Health, Safety and Welfare (HSW) Section.
- 3.6 The responsibilities of all parties are outlined in *SOP 7.1.3-1 Responsibilities relating to volunteer workers compensation*.
- 3.7 The HSW section will develop workers compensation fact sheets for volunteers to support this Service Standard.
- 3.8 This Service Standard is to be reviewed every two years to ensure continued suitability and effectiveness.

First aid and medical treatment

- 3.9 If a NSW RFS volunteer member is injured or becomes ill during the course of undertaking authorised activities for the NSW RFS, it is recommended that they seek first aid as required.
- 3.10 Further treatment should be arranged if necessary, depending upon the severity of the injury (i.e. treatment by ambulance, hospital or a medical practitioner).
- 3.11 In cases where insurer approval is required for urgent emergency medical treatment, the District Manager or delegate must make contact with the HSW section, who will liaise with icare to expedite the workers compensation approval process.

Notification of injuries and claim lodgement

- 3.12 All injuries sustained whilst performing approved activities for the NSW RFS are to be notified to the injured volunteer's next in charge, their District Manager, State Operations and the HSW Section as soon as reasonably possible, in accordance with *SOP 7.1.3-2 Notification of volunteer injuries and workers compensation claim lodgement*.
- 3.13 If the injured volunteer has medical expenses to be reimbursed or is likely to be unfit for their usual paid employment, they may make a claim for workers compensation.

- 3.14 The procedure for lodging a workers compensation claim is outlined in SOP 7.1.3-2 *Notification of volunteer injuries and workers compensation claim lodgement*.
- 3.15 If the injured volunteer seeks medical attention, but does not wish to lodge a claim for compensation, the injured volunteer will need to provide a medical certificate confirming their fitness for duties to their Brigade Captain and/or District Manager, and confirmation, preferably in writing, that they do not wish to claim for compensation. All expenses incurred in this circumstance will need to be covered by the injured volunteer.

Return to NSW RFS duties following an injury

- 3.16 An injured volunteer who is certified totally or partially unfit for duties by a treating medical practitioner following an injury must be certified fit for pre-injury duties by their NTD before resuming their usual volunteering duties.
- 3.17 Injured volunteers may perform alternative (suitable) duties, in consultation with their District Manager and Captain, provided they are in line with the restrictions specified by the NTD on the Certificate of Capacity.
- 3.18 Where an injured volunteer is returning to duties as an employee of the NSW RFS, this will be coordinated by icare, the HSW section and the applicable manager.

Personal property damage claims

- 3.19 NSW RFS volunteers are able to claim workers compensation for property damage or loss of personal property, if such loss or damage arises out of or in the course of participating in authorised NSW RFS activities.
- 3.20 SOP 7.1.3-3 *Lodging claims for volunteer personal property loss or damage* provides further details.

Exceptional circumstances

- 3.21 It is acknowledged that unforeseen scenarios may arise that are not adequately addressed by the Workers Compensation legislation provisions. Those instances will be specially considered in an effort to achieve a fair and reasonable resolution of the particular issue.
- 3.22 In any situation where a volunteer believes exceptional circumstances apply, the matter should be raised with the HSW Section.

Dispute resolution

- 3.23 If a disagreement about workers compensation benefits or the claims management process arises, the NSW RFS will work together with the injured volunteer and icare to attempt to resolve the dispute, in accordance with the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*.
- 3.24 In respect of this Service Standard, nothing in this section shall be interpreted as negating or otherwise replacing the provisions of any applicable workers compensation legislation.
- 3.25 In conjunction with the above, the dispute resolution process as defined in *Service Standard 1.1.3 Grievances* can also be followed, if the dispute relates to a NSW RFS matter.

Managing workers compensation records

- 3.26 Volunteers' personal and health information will be managed in accordance with privacy legislation and *Service Standard 1.1.14 Personal Information and Privacy*.

- 3.27 Workers compensation records are only to be maintained by the HSW Section on confidential files.
- 3.28 Business sections may retain copies of WHS incident reports on the corporate record-keeping system in accordance with Policy *P5.1.6 Records Management*, provided confidentiality requirements are met.

4 Related documents

- > [Rural Fires Act 1997](#)
- > [Workers Compensation \(Bush Fire, Emergency and Rescue Services\) Act 1987](#)
- > [Workers Compensation Act 1987 \(Historical version 30/01/2012 – 26/06/2012\)](#)
- > [Workplace Injury Management and Workers Compensation Act 1998](#)
- > [Privacy and Personal Information Protection Act 1998](#)
- > [P5.1.6 Records Management](#)
- > [SS 1.1.3 Grievances](#)
- > [SS 1.1.14 Personal Information and Privacy](#)
- > [Memorandum of Understanding between NSW RFS and NSW RFSA concerning Workers Compensation for NSW RFS Volunteers, 2010](#)

5 Amendments

AMENDMENT DATE	VERSION NO	DESCRIPTION
9 April 2020	1.0	Initial release

SOP 7.1.3-1

RESPONSIBILITIES RELATING TO VOLUNTEER WORKERS COMPENSATION

1 Purpose

- 1.1 This Standard Operating Procedure (SOP) outlines the responsibilities of key stakeholders in managing workers compensation claims for NSW RFS volunteers.

2 Procedures

District Manager Responsibilities

- 2.1 District Managers are required to assist in the volunteer workers compensation and recovery process.
- 2.2 District Managers or their delegate are to:
- In the event of a workplace injury or illness, ensure that first aid and medical treatment has been provided to the injured volunteer as necessary;
 - Ensure the required documentation is completed as per SOP 7.1.3-2 or 7.1.3-3 as soon as possible;
 - Assist volunteers, where needed, to complete the required forms;
 - Confirm the member was engaged in an authorised NSW RFS activity at the time of the injury/illness or property loss/damage, and sign the claim form as appropriate;
 - Ensure all documentation relating to a workers compensation claim is forwarded to the HSW section as soon as possible;
 - Maintain regular contact with the injured volunteer to support and assist the recovery process (e.g. phone calls, emails, hospital visits as appropriate);
 - Facilitate support through the Critical Incident Support Services (CISS) and/or Chaplaincy Services where required;
 - Advise the injured volunteer that they may or may not be able to undertake certain tasks whilst totally or partially unfit for duties, and assist in identifying alternative (suitable) duties where appropriate, in line with medical restrictions and certification;
 - Monitor and supervise the injured volunteer's involvement in their rehabilitation and Brigade activities; and
 - Ensure injured volunteers are certified fit for duty by their NTD before resuming their pre-injury volunteering duties.

Region Manager Responsibilities

- 2.3 Review and sign the *Report of Workplace Injury or Illness form* and *Workers Compensation Claim Form for Volunteers* if the District Manager is unable to do so.

Volunteer Responsibilities

- 2.4 It is the responsibility of all volunteers to notify their next in charge of any injuries or illness sustained whilst undertaking NSW RFS volunteering duties as soon as possible.
- 2.5 An injured volunteer or their representative must submit a *Report of Workplace Injury or Illness* form to their District Manager via the FCC, as soon as possible and within 48 hours of the injury occurring.

- 2.6 Injured volunteers claiming workers compensation for medical/rehabilitation expenses and/or lost wages have the following responsibilities:
- a. Ensuring all information supplied regarding their compensable injury and workers compensation claim is true and correct;
 - b. Completing and signing a *Workers Compensation Claim Form for Volunteers*;
 - c. Selecting a Nominated Treating Doctor (NTD) and obtaining a Certificate of Capacity from their NTD.
 - d. Ensuring all required documentation is submitted to the local FCC in a timely manner;
 - e. Ensuring consent is given for the collection, use and disclosure of personal and health information to be used in the management of the claim, by signing the *Workers Compensation Claim Form for Volunteers* and the Certificate of Capacity;
 - f. Maintaining regular contact with the District Manager or delegate and icare Case Manager;
 - g. Attendance at an Independent Medical Examiner or Specialist as required by icare;
 - h. Actively participating in your Injury Management Plan developed by icare to aid recovery and a durable return to work;
 - i. Complying with medical restrictions as outlined on the NTD's Certificate of Capacity, and restriction of activities as specified by the District Manager;
 - j. Cooperating with the NSW RFS to assist in your recovery and rehabilitation; and
 - k. Not undertaking NSW RFS operational activities until a Pre-Injury Duties certification or a written medical clearance is obtained from the NTD listing the activities or duties that can be performed.
- 2.7 Volunteers lodging a claim for personal property loss or damage have the following responsibilities:
- a. Complete the required documentation as outlined in SOP 7.1.3-3, and submitting it to the FCC in a timely manner;
 - b. Ensuring all information supplied regarding their workers compensation claim is true and correct; and
 - c. Providing any additional information requested by icare to facilitate the processing of their claim.

icare responsibilities

- 2.8 icare is responsible for the administration of the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*. The icare Case Manager is responsible for the daily management of each claim.
- 2.9 icare will assess each claim and commence payment of compensation benefits and/or injury management as soon as legislative requirements are met. This usually occurs within seven days of the date of notification, when an icare Case Manager will make contact with the volunteer via telephone, or in writing if they have been unable to contact the volunteer via telephone.
- 2.10 Liaise with all stakeholders to aid the injured volunteer's rehabilitation and return to work, and provide effective injury and claims management, including developing and reviewing an Injury Management Plan for the claim.
- 2.11 Manage claims efficiently, including responding to treatment requests and legal correspondence promptly and making payments within specified, legislated timeframes.
- 2.12 Ensure accuracy of weekly compensation payments in accordance with legislative requirements.

2.13 Provide the injured volunteer with information about their weekly compensation payments and entitlements and how they may change over time. For self-employed injured volunteers, icare will provide a copy of their policy for determining weekly compensation benefits for self-employed volunteers.

Health, Safety and Welfare (HSW) section responsibilities

- 2.14 The Volunteer Workers Compensation Liaison Officer (VWCLO) is the primary contact for volunteer workers compensation matters, however other members of the HSW team may also perform these duties.
- 2.15 The HSW section will liaise with volunteer members, the District Manager/Region Manager/Area Commander or delegate and icare as necessary to ensure a co-operative approach is taken to the administration of workers compensation matters.
- 2.16 It is not the role of the HSW section to make decisions about claim liability or treatment approvals, as these functions are the responsibility of icare.
- 2.17 The HSW section is responsible for:
- a. Reviewing submitted forms and associated documentation to ensure they are complete;
 - b. Requesting additional information from the District or volunteer where required;
 - c. Submitting workers compensation claims to icare in a timely manner;
 - d. Liaising with icare as required to assist with issue resolution;
 - e. Coordinating requests for additional assistance due to exceptional circumstances, as referred to in clauses 3.21 and 3.22 of this Service Standard; and
 - f. Assisting with dispute resolution where appropriate.

3 Related forms

> Nil

SOP 7.1.3-2

NOTIFICATION OF VOLUNTEER INJURIES AND WORKERS COMPENSATION CLAIM LODGEMENT

1 Purpose

- 1.1 This SOP details the process for notifying an injury or illness impacting a NSW RFS volunteer, and the lodgement of a workers compensation claim.

2 Procedures

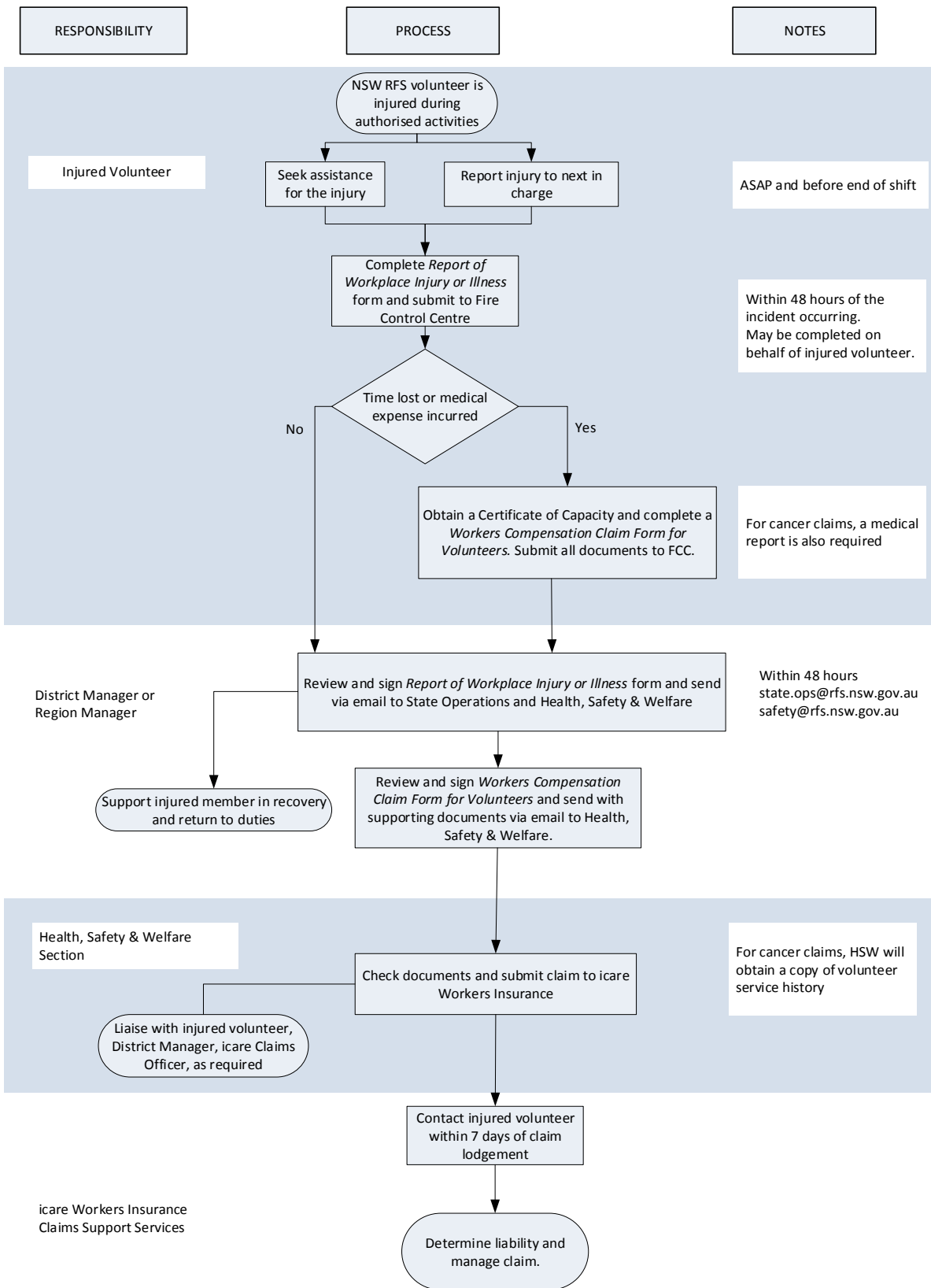
- 2.1 If a volunteer member is injured while undertaking authorised activities for the NSW RFS, or on a relevant journey, a *Report of Workplace Injury or Illness* form is to be completed and submitted as soon as possible and within 48 hours.
- 2.2 The District Manager or District On-Call Officer must immediately notify the Manager Health, Safety & Welfare (HSW) or the HSW on-call officer, and State Operations via the Operational Communications Centre (OCC), in the event of:
 - a. the death of a person;
 - b. serious injury or illness of a person resulting in immediate treatment as an in-patient in a hospital;
 - c. immediate treatment for:
 - i. the amputation of any part of the body;
 - ii. a serious head injury;
 - iii. a serious eye injury;
 - iv. a serious burn;
 - v. the separation of skin from an underlying tissue (such as degloving or scalping);
 - vi. a spinal injury;
 - vii. the loss of a bodily function;
 - viii. serious lacerations; or
 - d. medical treatment within 48 hours of exposure to a substance.
- 2.3 The *Report of Workplace Injury or Illness* form must be signed by the District Manager or Region Manager/Area Commander and submitted to State Operations via the OCC as soon as possible and within 48 hours of the injury occurring, and a copy forwarded to the Health & Safety Inbox, safety@rfs.nsw.gov.au
- 2.4 If medical treatment is required, or the injured volunteer is not fit for the full duties (paid employment or volunteer duties), the injured volunteer must obtain a valid and fully completed Certificate of Capacity from their Nominated Treating Doctor (NTD). The Certificate of Capacity must be provided to the injured volunteer's local Fire Control Centre (FCC) within 24 hours of receiving it from the NTD.
- 2.5 A completed *Workers Compensation Claim Form for Volunteers* must be submitted by the injured volunteer to their local FCC as soon as possible, together with the Certificate of Capacity.
- 2.6 By signing the *Workers Compensation Claim form for Volunteers*, the injured volunteer is providing consent for all stakeholders to share information in relation to the workers compensation claim. This consent is required to facilitate timely and effective management of the claim, and assist the injured volunteer with their recovery and return to work.

- 2.7 If the injured volunteer is lodging a claim relating to cancer under the presumptive cancer legislation, they will also be required to provide a medical report stating the nature and date of the cancer diagnosis.
- 2.8 The District Manager or Region Manager/Area Commander must review the *Workers Compensation Claim Form for Volunteers*, together with the *Report of Workplace Injury or Illness* form, and confirm that the injured volunteer was performing an authorised activity under the control of the NSW RFS at the time of the injury. The District Manager or Region Manager/Area Commander must then complete and sign Part 2 of the *Workers Compensation Claim Form for Volunteers* including the NSW Rural Fire Service Declaration.
- 2.9 Once the *Workers Compensation Claim Form for Volunteers* is signed by the District Manager or Region Manager/Area Commander, it must be forwarded with the Certificate of Capacity to the HSW Section via the Health & Safety Inbox, safety@rfs.nsw.gov.au as soon as possible.
- 2.10 The Volunteer Workers Compensation Liaison Officer (VWCLO) or another member of the HSW Section will review and lodge all required documents to icare.
- 2.11 In the case of cancer claims being lodged under the presumptive legislation, the HSW Section will obtain and provide to icare a record of the injured volunteer's service history, to demonstrate whether they meet the relevant qualifying period.
- 2.12 icare will allocate a Case Manager to manage the claim, and will make contact with the injured volunteer within 7 days of claim lodgement.
- 2.13 The icare Case Manager may conduct further investigations or request additional information from the injured volunteer, treating doctor(s) or the NSW RFS in order to determine liability for the claim.
- 2.14 Figure 1 - *NSW RFS Volunteer Injury Reporting and Workers Compensation Claim Lodgement Process* shows details of the process.

3 Related forms

- > [Report of Workplace Injury or Illness form](#)
- > [Workers Compensation Claim for Volunteers form](#)
- > [HSW Fact Sheet - Volunteer Workers Compensation for Injury or Illness](#)

FIGURE 1: NSW RFS Volunteer Injury Reporting and Workers Compensation Claim Lodgement Process



SOP 7.1.3-3

LODGING CLAIMS FOR VOLUNTEER PERSONAL PROPERTY LOSS OR DAMAGE

1 Purpose

- 1.1 This SOP outlines the process for NSW RFS volunteers to lodge a workers compensation claim for the loss or damage of personal property.

2 Procedures

- 2.1 Property loss or damage claims may include, but are not limited to, items of clothing, prosthetics, eye glasses, personal vehicles or other personal property lost or damaged in the course of performing NSW RFS authorised activities.
- 2.2 The compensation payable for personal property may be limited to prescribed maximum amounts, as per sections 76 and 77 of the *Workers Compensation Act 1987*.
- 2.3 If you are a witness to personal property loss or damage, icare may request you complete a witness statement for workers compensation purposes.
- 2.4 The following is to occur with all property loss or damage claims:
 - a. A *Report of Health and Safety Near Miss or Property Damage* form must be completed and signed by the District Manager, and submitted to State Operations via the OCC, with a copy forwarded to the Health & Safety Inbox, safety@rfs.nsw.gov.au;
 - b. A NSW RFS *Property Loss or Damage Claim Form for Volunteers* must be completed and signed by the volunteer, and submitted to the local FCC together with the required supporting documentation, as outlined on the claim form. Proof of original purchase may be required;
 - c. The District Manager must review the *Property Loss or Damage Claim Form for Volunteers*, together with the *Report of Health and Safety Near Miss or Property Damage* form, and confirm if the injured volunteer was performing an authorised activity under the control of the NSW RFS at the time of the property loss or damage. The District Manager will then complete and sign Part 2 of the *Property Loss or Damage Claim Form for Volunteers*, including the NSW Rural Fire Service Declaration.
 - d. The District will forward the completed claim form and supporting documents to the HSW Section via the Health & Safety Inbox, safety@rfs.nsw.gov.au;
 - e. The Volunteer Workers Compensation Liaison Officer (VWCLO) or another member of the HSW section will lodge the claim to icare, who will allocate a Case Manager and determine liability for the claim;
 - f. All information supplied regarding the workers compensation claim for personal property loss or damage should be provided in a timely manner, and must be true and correct;
 - g. If the lost or damaged property has resulted from a criminal action i.e. theft or vandalism, the NSW Police event number is to be provided to icare on the claim form;
 - h. Any relevant insurance policies that the property owner may have are to be submitted with the workers compensation claim. In cases where the property owner's insurance company pays a damage claim, the property owner will not forfeit any no-claim bonus they may have in relation to the policy.

- 2.5 In addition to the requirements in section 2.4 of this SOP, the following is to occur with all property damage claims relating to privately owned vehicles:
- a. No repairs are to be made without the approval of icare, except for emergency repairs necessary to keep the vehicle mobile;
 - b. There is to be sufficient description of the pre-damaged condition of the vehicle to enable an assessment of the damage caused;
 - c. Where possible, two quotations from licenced repairers are to be attached to the claim form;
 - d. If the NSW RFS volunteer has comprehensive vehicle insurance, then a claim must also be lodged through their car insurer for repairs. The car insurance claim number will need to be provided to icare so they can pay the claim excess. If the excess amount is required to be paid up front, then reimbursement for the amount can be arranged through the icare Case Manager.
- 2.6 Figure 2 - *NSW RFS Volunteer Workers Property Damage or Loss Claim Lodgement Process* shows details of the process.

3 Related forms

- > [Report of Health and Safety Near Miss or Property Damage form](#)
- > [Property Loss or Damage Claim for Volunteers form](#)
- > [HSW Fact Sheet – Volunteer Workers Compensation for Personal Property](#)

FIGURE 2: NSW RFS Volunteer Workers Property Damage or Loss Claim Lodgement Process

