



## RETURN TO WORK HANDBOOK

yourhealthandsafety  
yourrightsatwork

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## **WHAT IS OCCUPATIONAL REHABILITATION?**

Occupational Rehabilitation is the process of helping an injured worker return to work following a workplace injury.

Occupational Rehabilitation services include:

- Assessment of the worker's and employer's needs
- Advice about equipment or modifying the job the worker does
- Helping employers to find suitable duties for the worker
- Facilitating communication between the worker, employer, doctor and insurer
- Assistance with identifying and obtaining a new job if the worker is unable to return to their job.

Generally an employer, insurer or treating doctor will use their experience and industry knowledge to recommend an accredited rehabilitation provider to help an injured worker safely return to work. The injured worker has a say in choosing a provider and needs to be consulted on this referral.

## **What is injury management?**

Injury management is about ensuring the prompt, safe and durable return-to-work of an injured worker. It includes treatment of the injury, rehabilitation back to work, retraining into a new skill or new job, management of the workers compensation claim and the employment practices of an employer.

Everyone involved is required to cooperate and participate in injury management, including the workers compensation agent/insurer, employer, injured worker, treating doctor and all treating practitioners. Effective injury management relies on the cooperative efforts of all participants. The key principles underlying the safe, early and durable return to work of injured workers include:

- Having systems in place to ensure everyone at the workplace agrees, understands and knows
- What to do in the event of an injury
- Early reporting of injuries and early intervention
- The workplace being the most effective place for the majority of workers to recover from their injury
- Key parties working together.

Employers must document policies and procedures outlining the system to manage workers who suffer a work related injury or illness. This document, called a return to work program, must be consistent with the injury management program of the employer's insurer. The injury management program is the blueprint statement that

sets out how treatment, rehabilitation, claims management and employment practices are to be coordinated to achieve a safe and durable return to work for an injured worker.

### **What responsibilities does an employer have in relation to injury management?**

The requirement that employers be involved in the return to work of injured workers was introduced in the *Workers Compensation Act 1987*. In 1998, *the Workplace Injury Management and Workers Compensation Act* was proclaimed and introduced the concept of injury management to include treatment, rehabilitation and retraining of injured workers, claims management and employment management practices.

If a worker is injured, an employer must:

- Attend to the injured worker as soon as possible,
- Notify the Workers Compensation Agent/Insurer within 48 hours of any workplace injury occurring
- Cooperate and participate with the Workers Compensation Agent/Insurer to develop an injury management plan for the injured worker. The Workers Compensation Agent/Insurer should contact the employer and the worker within three days of receiving notice of an injury, and
- Implement and monitor a return-to-work plan for the injured worker.
- Provide workers with adequate information about workers compensation and return to work procedures, including their choice of doctor and rehabilitation provider and how to change providers, if required
- Advise the worker's nominated treating doctor and insurer on the requirements of the worker's usual job and availability of suitable duties
- Make suitable duties available to injured workers who are certified fit for suitable duties (partially incapacitated) if reasonably practicable to do so
- Comply with medical restrictions resulting from the work injury as obtained from the treating doctor
- Notify the insurer immediately if unable to provide suitable employment for a partially incapacitated worker and ask the insurer about any impact on premium
- Comply with obligations imposed on the employer in the injury management plan written by the insurer
- Cooperate with the insurer in engaging assistance from a workplace rehabilitation provider if the worker faces barriers in returning to work

- Cooperate with the insurer in providing retraining or different job opportunities to an injured worker who is unable to return to their pre-injury job
- Respect the privacy and confidentiality of medical examinations by arranging a separate discussion between the worker, doctor and employer.

## **What Is A Return To Work Program?**

A Return-to-Work Program is a summary of an agreed system that an employer must have in place, in readiness for the management of workers who suffer a work-related injury or illness. The Return-to-Work Program is an agreed system that is negotiated between the employer and your union, that is developed before any injury or illness occurs. It is made up of a series of policies and procedures. The effectiveness and continuing acceptability of the Program should be reviewed on a regular basis and agreed by the relevant parties. All Programs should set specific dates for review.

A return-to-work program must cover the following key areas:

- Prevention of occupational injuries/illness
- Developing and implementing the Return-to-Work Program
- Consultation with workers and, where applicable, unions
- Early commencement of injury management and early return-to-work
- Provision of suitable duties
- Return-to-work not to disadvantage injured workers.

Employers are required to put in place a Return To Work Program that outlines their commitments to assisting injured workers back to work, this must be done in consultation with your union. Under the NSW Workers Compensation System, you are entitled to assistance to return to work if you sustain an injury or illness as a result of your work.

## **Injured workers rights and responsibilities**

You have the right to:

- Choose your nominated treating doctor, usually your own doctor
- Choose your rehabilitation provider
- Choose your treatment providers
- Have a say in your return to work plan
- To have your union representative present

You have a responsibility to:

- Cooperate and comply with your injury management and return to work plans

- Give consent for the nominated treating doctor to provide information for the purposes of an injury management plan and return to work plan
- Make all reasonable efforts to return to work with the pre-injury employer as soon as possible
- Keep in touch with your employer regularly and provide accurate information about your claim
- Notify the insurer if any of your employment circumstances change.

You should always keep copies of the paperwork relating to your injury and claim. If you do not comply with your injury management plan, the insurer can suspend your benefits.

Your employer cannot dismiss you for the first six months because you are unfit for employment as a result of your injury. If you are terminated after six months and become fit for your old job within two years, you can apply to be reinstated. Contact your union

### **Treating doctor's role**

Your treating doctor must:

- Arrange necessary treatment and complete a WorkCover medical certificate
- Monitor your condition regularly and liaise with the insurer and your employer to develop and agree upon your return to work plan
- Advise your employer on suitable duties with regard to suitable duties.

If your nominated treating doctor does not provide these services, the insurer can ask you to select another doctor.

### **What is a Rehabilitation Provider and how can they help?**

Occupational rehabilitation providers are organisations offering specialised rehabilitation services. Accredited rehabilitation providers are required to develop a return to work plan that outlines how the injured worker will get back to work.

Occupational rehabilitation provider organisations must have appropriately qualified staff with skills, knowledge and experience to deliver rehabilitation services. They consist of a team of health professionals such as occupational therapists, physiotherapists, rehabilitation counsellors and psychologists, whose aim is to help injured workers safely return to work.

The workplace rehabilitation provider may provide assistance by:

- Undertaking a workplace assessment to provide specific information about the injured worker's pre-injury duties and possible suitable duties

- Assess the needs of the injured worker and the workplace requirements to develop a rehabilitation plan of action, listing the services needed to return the injured worker to work
- Identifying and overcoming barriers to return to work
- Coordinating and monitoring the worker's progress and the return to work plan
- Providing education to the injured worker and advice concerning job modification to the worker and employer
- Providing information on an injured worker's functional capacity
- Undertaking a vocational assessment to identify possible work options if the injured worker is unable to return to the pre-injury employer
- Organising vocational education or retraining for the injured worker
- Providing assistance and advice concerning job seeking to the injured worker
- Placing a worker in new employment.
- Employ different health professionals, such as occupational therapists, physiotherapists, psychologists and rehabilitation counsellors
- Your Employer, in consultation with you and your union, may be able to identify suitable duties and compile a Return to Work – Suitable Duties Plan obtaining agreement from you, your Union and your Treating Doctor. If this is the case, a rehabilitation provider may not be required.

[Workcover N.S.W Rehabilitation Provider Search](#)

### **Can Injured Workers choose their own Rehabilitation Provider?**

YES. Workers have a right to nominate their own provider as part of current workers compensation legislation.

### **Other treatment providers**

Any referral you make to another service provider for treatment must be deemed reasonably necessary for the work injury. It should also be outlined on the Management Plan on the WorkCover medical certificate.

The treatment provided should be evidence based and outcome focused to facilitate the return to work of the injured worker.

Other health professionals treating the injured worker may be able to provide invaluable information on how the injured worker is progressing towards their return to work goal and assist in identifying any barriers. Physical treatment providers may be able to provide specific information on functional capacity and progress, and psychological treatment providers, information on psychosocial issues affecting their

return to work. Other treatment providers are also encouraged to maintain contact with the nominated treating doctor.

### **Return to work coordinators**

Large employers are required to have a Workcover trained return to work coordinator. The return to work coordinator's principal purpose is to assist injured workers with return to work in a safe and durable manner. Communicating with the return to work coordinator will facilitate return to work.

The return to work coordinator may assist you by:

- Providing information about the workplace including potential difficulties
- Providing a description of pre-injury duties and identifying suitable duties as per the advice of your treating specialists.
- Referring to an approved workplace rehabilitation provider if required
- Developing the return to work plan and coordinating and monitoring rehabilitation services and the return to work plan.

Your return to work co-ordinator is a key person in the return to work process. It's them who set the return to work in motion following an injury and acts to ensure your occupational rehabilitation program and return to work policy are implemented.

### **What does the return to work coordinator have to do?**

By law, the return to work co-ordinator must: assist injured workers, where practicable, to remain at or return to work as soon as possible

- Liaise with any parties involved in the occupational rehabilitation of, or provision of services, to their injured worker
- Monitor the injured worker's progress
- Take steps, so far as is practicable, to prevent recurrence or aggravation of the worker's injury upon the worker's return to work
- Assist in meeting the legal requirements regarding risk management, occupational rehabilitation and return to work.

Under workers compensation law, category 1 employers (ie employers whose basic tariff premium exceeds \$50 000 annually as well as self insurers, and employers who are insured by a specialised insurer and employ more than 20 workers) must have a return to work coordinator:

The skills and responsibilities of a return to work coordinator include:

- Developing and implementing a return to work program, educating the workforce, keeping injury and return to work statistics and developing policies and strategies to improve systems

- Providing information to injured workers on benefits and the return to work process, as well as the [Workplace Injury Management and Workers Compensation Act 1998](#) and the [Workers Compensation Act 1987](#)
- Determining an injured workers needs by discussion with the worker, their nominated treating doctor and other treating practitioners
- Identifying suitable duties consistent with section [43A of the Workers Compensation Act 1987](#) and developing and implementing a return to work plan
- Working with the insurer to develop an injury management plan for the injured worker
- Being the main point of contact for the injured worker
- Coordinating and monitoring the workers progress in treatment, rehabilitation services and return to work plans
- Excellent written and verbal communications skills, including negotiation and listening skills
- Decision making skills
- Case and caseload management
- Organisational and time management skills

### **What is a return to work plan?**

The return to work plan is a formal offer of suitable duties by the employer to the injured worker. It is designed to make clear what the worker can and cannot do when they return to work, and when this will be reviewed. The return to work plan must adhere to the certification of 'fitness for work' and the capabilities that you have specified on the WorkCover medical certificate. For this reason, it is important that the WorkCover medical certificate is completed with the injured worker's capabilities in mind. When a worker returns on suitable duties with restrictions, the employer / return to work coordinator or rehabilitation provider must write a Return to Work Plan. This plan must be regularly monitored by the return to work coordinator or rehabilitation provider. Physical restrictions, suitable duties, hours worked, supervision arrangements, and treatment times and dates must be clearly outlined in the Return to Work plan. The Return to Work Plan needs to be compiled in consultation with you, your Employer, Rehab Provider, Union (if requested) and Treating Doctor. **The plan must be developed and agreed to by the worker and the employer** and the Parties must sign the Return to Work Plan. You have a right to have your union assist in this process.

## **Must an employer always provide suitable duties to an injured worker?**

Yes. Failure to provide suitable duties when it is reasonably possible to do so may affect an employer in two ways:

- The cost of the claim can increase – the worker is entitled to special weekly compensation (known as section 38 benefits) for up to 52 weeks and may need rehabilitation to find another job. The increased cost of claims can result in an increase in the employer's annual workers compensation premium;
- And The Workers Compensation Commission may impose a penalty of up to \$5,000 for not complying with chapter 3 of the *Workplace Injury Management and Workers Compensation Act 1998*.

The employer does not have to provide suitable duties if:

- The worker voluntarily resigns, or
- The employer terminates the worker's employment after the injury for justifiable reasons, other than the injury or fitness for work.

## **Must an injured worker accept suitable duties?**

Yes. The workers compensation benefits of an injured worker who refuses a reasonable offer of suitable duties may be stopped or reduced.

## **What are suitable duties?**

Suitable duties are short-term work duties, agreed between the employer and the injured worker to assist the injured worker's rehabilitation. Suitable duties must comply with a current medical certificate, and may include:

- Parts of the job the worker was doing before the injury,
- The same job, but on reduced hours,
- Different duties altogether,
- Duties at a different site,
- Training opportunities, or
- A combination of some or all the above.

The definition of suitable employment (duties) states that the following must be taken into account:

- The medical certificate – the treating doctor will list work capabilities,
- The age, education and work skills of the injured worker,
- Where the worker lives,
- The duties must be useful to the employer's trade or business,
- The duties must comply with the injury management plan, and

- The duties must not be demeaning or token jobs.

## **Independent Medical Examinations (and Examiners) and Injury Management Consultants**

Referral for an independent medical examination is only appropriate when information from the treating medical practitioner(s) is inadequate, unavailable or inconsistent and where the referrer has been unable to resolve the issues related to the problem directly with the practitioners. If in doubt contact your Union. *Injury Management Consultants (IMC's) have a different and more practical role in Injury Management than Independent Medical Examiners (IME's) in facilitating the resolution of workplace issues.*

*A worker must attend a properly notified and arranged IME. However, they are entitled to be notified correctly and treated reasonably. [Workcover NSW Guidelines on Independent Medical Examinations and Reports](#)*

## **Factual Investigators**

Questions asked by factual investigators can sometimes be very personal. Always remember that questions must be relevant to your claim for workers compensation. It is also important to note that you do not have to endorse a factual investigators statement by signing it. It's a good idea to have a support person with you, preferably a union delegate or organiser. When a request is made to attend an interview with a factual investigator, Contact your Union Representative or your Union office. A worker is entitled to be notified correctly and treated reasonably.

## Appendix A

### SAMPLE OF A WORKCOVER MEDICAL CERTIFICATE

<b>WORKCOVER NSW MEDICAL CERTIFICATE</b>	
<input type="checkbox"/> <b>Initial</b> <input type="checkbox"/> <b>Progress</b> <input type="checkbox"/> <b>Final</b>	
<i>NB: Questions in italics need not be completed on subsequent certificates unless there is new information.</i>	
<b>1. WORKER DETAILS</b> (may be completed by the injured worker)      Claim No.: _____ Family name: _____      Other names: _____ Address: _____ Postcode: _____      Phone No.: _____      Date of birth: ____/____/____ Employer name: _____ Address: _____      Postcode: _____ Occupation: _____      hrs / week: _____ How the injury occurred: _____ Date of injury: ____/____/____	
<b>2. MEDICAL CERTIFICATION</b> Diagnosis: _____ <i>In my opinion, the worker's employment is a substantial contributing factor to this injury:</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Management plan: _____ Treatment review date: ____/____/____	
<b>3. FITNESS FOR WORK:</b> The worker: <input type="checkbox"/> is fit for pre-injury duties <input type="checkbox"/> is unfit to work from ____/____/____ to ____/____/____ <input type="checkbox"/> is fit for suitable duties from ____/____/____ to ____/____/____ <input type="checkbox"/> has reached maximum medical improvement and is fit for permanently modified duties from ____/____/____ (final certificate only) An assessment of workplace duties is / is not required.      Date of examination ____/____/____ The worker has the following capabilities for _____ hrs / day _____ days / week Lifting up to _____      Walking up to _____ Sitting up to _____      Standing up to _____ Travelling up to _____      Keying up to _____ Other: _____ Fitness for work will be reviewed on: ____/____/____	
<b>4. MEDICAL PRACTITIONER DETAILS</b> Name: _____      Provider No.: _____ Address: _____ Postcode: _____ Phone No.: _____      Fax No.: _____ <i>I agree to be this worker's Nominated Treating Doctor and to assist in his / her return to work</i> <input type="checkbox"/> Yes <input type="checkbox"/> No Signature: _____      Date: ____/____/____	
<b>5. INJURED WORKER CONSENT</b> <i>I confirm the information I have given is correct: I nominate _____ as my Nominated Treating Doctor; I consent to my Nominated Treating Doctor, my employer, the insurer, other treating practitioners, rehabilitation providers and WorkCover NSW exchanging information for the purposes of managing my injury and workers compensation claim. I understand this information will be used by WorkCover and insurers to fulfil their functions under the workers compensation legislation.</i> Signature: _____      Date: ____/____/____	

**APPENDIX B****INFORMATION CONSENT FORM**

Claim No \_\_\_\_\_

I \_\_\_\_\_ (name) authorise  
 \_\_\_\_\_ (name)  
 \_\_\_\_\_ (title) of \_\_\_\_\_ (name of  
 employer/provider) to:  
 OBTAIN information either verbal or written, in relation to my injury management from  
 (insert specific names):

a) Doctor \_\_\_\_\_

b) Hospital \_\_\_\_\_

c) Rehabilitation Provider \_\_\_\_\_

d) Employer \_\_\_\_\_

e) Other \_\_\_\_\_

I \_\_\_\_\_ (name) authorise \_\_\_\_\_ (name) (title) of  
 \_\_\_\_\_ (name of employer/provider) to:  
 RELEASE information concerning relevant aspects of my injury management to, and discuss that information with, representatives  
 of the agencies nominated below (insert specific names):

a) Rehabilitation Provider \_\_\_\_\_

b) Employer \_\_\_\_\_

c) Doctor \_\_\_\_\_

c) Union \_\_\_\_\_

c) Worker's Solicitor \_\_\_\_\_

d) Employment Service \_\_\_\_\_

e) Other \_\_\_\_\_

The information provided will be of a factual nature concerning injury management.

I understand that I may change or cancel this authority at any time, however my injury management and/or Workers Compensation benefits could be affected.

Signature \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Signature of Interpreter \_\_\_\_\_ Name \_\_\_\_\_

Some organisations are legally entitled to receive injury management information about an injured worker who is claiming workers compensation – insurers and their legal advisers, the WorkCover Authority, a NSW Court of Law and the NSW Workers Compensation Commission.

## APPENDIX B

### POLICY SAMPLE 1

# REHABILITATION AND RETURN TO WORK POLICY

## JOHN CITIZEN ENGINEERING

### 1. POLICY

2. THE COMPANY recognises and accepts its responsibilities to its employees. To this end it is implementing this policy to ensure effective rehabilitation of injured/ill employees and facilitate their early return to work.

3. **DEFINITION OF OCCUPATIONAL REHABILITATION** Occupational rehabilitation is the restoration of the injured/ill employee to the fullest physical, psychological, social, vocational and economic usefulness of which he/she is capable. Ideally this results in the return of the individual to their pre-injury work.

### 4. COMMITMENT TO REHABILITATION

- Preventing injury/illness through the provision of a work environment that is safe and without risk to health;
- Ensuring that occupational rehabilitation processes are commenced in a manner consistent with medical judgement as soon as possible after injury/illness;
- Ensuring that return to work by injured/ill Employees as soon as possible is normal practice and therefore is an Employee expectation;
- Providing suitable duties if at all possible as part of the rehabilitation and return to work process;
- Communicating with Employees at all times with regard to their rehabilitation;
- Monitoring the progress of a rehabilitation program in consultation with the injured/ill Employee, the Host Employer, the Return to Work Coordinator, Health Professionals and Rehabilitation Providers to ensure its effectiveness and revision where appropriate;

- Locating suitable duties in alternative work areas if necessary; and
- Encouraging Employees to remain at work on limited or alternative duties if at all possible.

John Citizen Engineering's commitment to rehabilitation means:

## 5. RESPONSIBILITIES

### 4.1 Employer:

To ensure that responsibilities under the relevant legislation are clearly understood by all parties;

- To respond appropriately to Employees specific concerns in relation to workplace hazards;
- To facilitating the early return to work of injured/ill Employees; and
- To identify appropriate duties in conjunction with the injured/ill Employee, Host Employers, Return to Work Coordinator and Nominated Treating Doctor when required to do so.

### 4.2 Employee:

- To not wilfully place at risk the health or safety of any person at the workplace;
- To co-operate with the Employer in implementing any actions taken in the interests of health, safety and welfare;
- To co-operate in workplace changes designed to assist the rehabilitation of fellow Employees and assist in the provision of a work environment that is supportive of workplace-based rehabilitation;
- To notify any injury/illness in the prescribed manner to JOHN CITIZEN ENGINEERING, Field Officer or Host Employer as soon as is practicable after the injury/illness;
- To notify JOHN CITIZEN ENGINEERING of any initial visits to the doctor prior to attending;
- To participate in rehabilitation processes designed to ensure an early return to work; and
- To inform their doctor that JOHN CITIZEN ENGINEERING has a return to work policy and that it is likely that they will be contacted to discuss a return to work program.

### 4.3 Return to Work Coordinator:

- To make recommendations to management on issues of a general nature and/or specific to an individual rehabilitation plan;
  - To contact the injured Employee to ensure that appropriate medical attention is being received and to prepare the Employee for a safe and timely return to work consistent with medical advice;
  - To consult with the nominated Treating Doctor, Treating Specialists and/or the Nominated Rehabilitation Provider and Host Employer to obtain assistance if the employee is unlikely to resume pre-injury duties in the short or long term;
  - To ensure after consultation with the Treating Doctor and other relevant parties that individual return to work strategies are developed for each injured Employee and that alternate duties are meaningful, productive and consistent with their capabilities;
  - To prepare a return to work plan within 10 days of the 20th day of no current work capacity as indicated by a WorkCover medical certificate. This is done in consultation with the Employee, Nominated Treating Doctor and any relevant Host Employer;
    - To nominate any person on an individual return to work plan as the person responsible for coordinating of that return to work plan.
    - To ensure that risk management factors associated with the injury/illness, or identified during rehabilitation are communicated to the Employer.
- The nominated Return to Work Coordinator is Jane Citizen

## 6. **REHABILITATION PROVIDER**

7. In order to provide a consistent coherent approach to rehabilitation JOHN CITIZEN ENGINEERING has designated a list of three preferred Rehabilitation Providers. Injured employees have the right to choose from JOHN CITIZEN ENGINEERING's preferred Providers. JOHN CITIZEN ENGINEERING's preferred Providers are: (1) Wills Injury Management, (2) Rehabilitation Outcomes and (3) IRS Total Injury Management.

8. **DISPUTES** JOHN CITIZEN ENGINEERING accepts the need to consult with Employees regarding disputes and to contact the Insurer, WorkCover Claims Assistance Service, an Injury Management Consultant or the Workers

Compensation Commission to resolve the dispute.

Policy Authorised by: - Managing Director

- OH&S Manager

**Date:** 1st October 2009

**Review Date:** 1st October 2010

## APPENDIX C

### Return-to-work plan template 1

#### RETURN TO WORK PLAN No. (Same Employer)

**Client:**

**Date of Birth:**

**Claim Number:**

**Employer's Name:**

**Location:**

**Date of Injury:** 12 Mar 2010

**Nature of Injury:** Anxiety and severe agitation.

**Pre-Injury Occupation:**

**Pre-Injury Average Earnings:**

**Pre Injury Hours:**

### Return to Work Goal

**Goal:**

**Commencement Date:**

**Review Date:**

**Proposed Completion Date:**

**Duration of Plan:**

**The following parties have agreed to return to work goal and return to work plan**

<input type="checkbox"/> Injured Worker	<input type="checkbox"/> Nominated Treating Doctor
<input type="checkbox"/> Employer (where applicable)	<input type="checkbox"/> Union (where applicable)

**NB:**

Workers Health Centre will continue to liaise with worker, .....Workers' Compensation (NSW) Ltd, employer and treating health professionals to assist and address any presenting barriers for a successful return to work.

If there are any questions or changes to plan please contact Ms..... immediately on 9749 7666 to discuss and amend this Return to Work Plan. All parties concerned are encouraged to remain in active communication with Workers Health Centre.

**Current RTW Status** (Tick each box as appropriate)

<input type="checkbox"/> Working	<input type="checkbox"/> Same Employer	<input type="checkbox"/> Permanently Modified Duties	<input type="checkbox"/> Total Incapacity	<input type="checkbox"/> Fit for Permanently Modified Duets
----------------------------------	--	--	---	---

<input type="checkbox"/> Not Working	<input type="checkbox"/> New Employer	<input type="checkbox"/> Suitable Duties <input type="checkbox"/> Pre-Injury Duties	<input type="checkbox"/> Partial incapacity	<input type="checkbox"/> Fit for Pre-Injury Duties
--------------------------------------	---------------------------------------	--	---	--

## Current Medical Status

*(inc details of treatment and recovery expectations)*

## Work status code at referral

(eg. Current total capacity payments under Section 36)

*(Insert suitable duties program here)*

Hours	Duties	Restrictions

## Summary of Assessed needs (strengths and barriers) to return to work

*(inc details of workplace, vocational or psychosocial issues)*

## Recommendations / Other Considerations

Please sign below and return fax 02 9897 2488 to demonstrate an agreement to the plan.

Please contact Ms ....., 9749 7666 should you require further clarification of this report.

Name & Contact Details		Signature required	Date
Mr ..... <b>Phone:</b> <b>Fax:</b> <b>Email:</b>	Worker		
Ms ..... <b>Phone:</b> <b>Fax:</b> <b>Email:</b>	Employer		
Dr. ....	Nominated		

<b>Phone:</b> <b>Fax:</b> <b>Email:</b>	Treating Doctor		
Ms..... <b>Phone:</b> 02 9749 7666 <b>Fax:</b> 02 9897 2488 <b>Email:</b> admin@workershealth.com.au	Rehabilitation Consultant		

### Monitoring Arrangements

Workers Health Centre to monitor on a fortnightly basis, through worksite review or telephone contact. *If there are any questions, concerns or changes to the plan, please call Ms..... immediately on 02 9749 7666*

### Return to Work Interventions

Yours Sincerely,  
Rehabilitation Counsellor  
Case Manager  
Total Cost to Date:

Strategy/action	Payment Code	Time	Cost
<b>Subtotal</b>			
<b>GST</b>			
<b>Total Cost incl. GST</b>			

Insurer Approval of Return to Work Plan:

---

Approved by (name):

---

Date:

---

Signature:

---

Comment:

---

## Return-to-work plan template 2

The following Return-to-Work (RTW) Plan has been developed for:

1. Name

---

2. Return-to-work goal

---

3. Job title

---

4. Work location

---

5. Supervisor

---

6. Duties

Considerations/restrictions

()

()

()

()

()

()

()

()

()

()

Specific duties to be avoided

---

---

---

7. Hours/days of work

---

8. Treatment arrangements (dates, times, treatment service)

---

---

---

9. Commencement date of return-to-work

---

10. Length of Return-to-Work Plan

---

11. Review dates of Return-to-Work Plan

---

12. General comments

---

---

---

13. The following parties have agreed to the above plan for suitable duties

Injured worker \_\_\_\_\_ Date \_\_\_\_\_

Supervisor \_\_\_\_\_ Date \_\_\_\_\_  
Return-to-work coordinator \_\_\_\_\_ Date \_\_\_\_\_  
Nominated treating doctor \_\_\_\_\_ Date \_\_\_\_\_  
Union representative \_\_\_\_\_ Date \_\_\_\_\_

### APPENDIX C(i) Suitable duties checklist

KEY REQUIREMENTS	YES	NO
The return to work plan has been developed in consultation with the worker and his/her union if requested		
Contact details of all parties are noted		
The return to work plan has goals and objectives		
Treatment occurring during the program is noted		
Duration of the program is noted		
The return to work plan shows days and hours to be worked		
The return to work plan, and any amendments to the program are consistent with the current medical certificate or report for the workers injury		
Where the return to work plan, and any amendments to the program are inconsistent with the current medical certificate or report for the workers injury, has the approval of the workers nominated treating doctor been given.		
The return to work plan documents the suitable duties to be performed.)This must be a description of the actual tasks ,not a job title)		
Suitable duties are meaningful		
Suitable duties are relevant to the objective of the workers rehabilitation		
The insurer has been provided with a copy of the return to work plan		
The employer has reviewed the workers return to work plan on a regular basis and progressively updated the program consistent with the workers recovery.		
The return to work plan is signed and dated by:		
The injured Worker		
The Union Representative		
The Rehabilitation and return to work coordinator		
The Supervisor		
The Nominated Treating Doctor		

## APPENDIX D

### WORKERS COMPENSATION ACT 1987 – SECTION 43A

#### 43A Suitable employment

**(1)** For the purposes of sections 38, 38A and 40: suitable employment, in relation to a worker, means employment in work for which the worker is suited, having regard to the following:

- a) The nature of the worker's incapacity and pre-injury employment,
- b) The worker's age, education, skills and work experience,
- c) The worker's place of residence,
- d) The details given in the medical certificate supplied by the worker,
- e) The provisions of any injury management plan for the worker,
- f) Any suitable employment for which the worker has received rehabilitation training,
- g) The length of time the worker has been seeking suitable employment,
- h) Any other relevant circumstances.

**(2)** In the case of employment provided by the worker's employer, suitable employment includes:

**(a)** Employment in respect of which:

- (i)** The number of hours each day or week that the worker performs work, or
- (ii)** The range of duties the worker performs, is suitably increased in stages (in accordance with a rehabilitation plan or return-to-work plan or otherwise), and

**(b)** If the employer does not provide employment involving the performance of work duties suitable training of a vocationally useful kind provided:

- (i)** By the employer at the workplace or elsewhere, or
- (ii)** By any other person or body under arrangements made with the employer,

but

only if the employer pays an appropriate wage or salary to the worker in respect of the time the worker attends the training concerned.

**(3)** However, in any such case, suitable employment does not include:

**(a)** Employment that is merely of a token nature and does not involve useful work having regard to the employer's trade or business, or

**(b)** Employment that is demeaning in nature, having regard to subsection **(1) (a)** and **(b)** and to the worker's other employment prospects.

**(4)** A worker is to be regarded as suitably employed if:

- (a)** The worker's employer provides the worker with, or the worker obtains, suitable employment, or

**(b)** The worker has been reinstated to the worker's former employment under Division 4—Remedies for unfair dismissal in the [Fairwork Act 2009](#).

## Checklists

The checklists below, have been designed to prompt OHS delegates with questions and answers to help their understanding of workers compensation. It will also help them understand the particular issue/s an injured worker or group of injured workers may face.

These checklists should be used to audit your workplace and to check your understanding of particular rights and responsibilities. If the injured worker/s or you have further questions contact Workcover, your Union or the [Workers Health Centre](#).

### APPENDIX E- CHECKLIST FOR RETURN TO WORK

<b>Nominated Treating Doctor (NTD)</b>	<b>Yes</b>	<b>No</b>
<p>Do injured workers go to the Doctor of their choice for emergency, casualty or routine treatment?</p> <p><i>An injured worker is required to nominate their treating doctor in line with s47(3) of the WIMWCA 1998.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Is a worker entitled to privacy when receiving clinical treatment?</p> <p><i>An injured worker is legally entitled to absolute privacy during treatment or an examination.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Does your employer respect an injured workers right to select their own nominated treating doctor (NTD)?</p> <p><i>An employer has no legal right to interfere with an injured workers selection of a NTD.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Can an injured worker change Nominated Treating</p>		

<p>Doctor?</p> <p><i>An injured worker can do so after obtaining the approval of the insurer. They must explain in writing why they want to change NTD.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Does your employer demand that injured workers see their company doctor?</p> <p><i>The involvement of company doctors are limited to the WorkCover Guidelines and must not compromise the right of a worker to choose their own nominated treating doctor. Refer to Independent Medical Examination and Injury Management Consultants for Doctors that the employer/scheme agent (insurer) can refer to.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Medical Certificates, Information Consents and Injury Management Plans</b>	<b>Yes</b>	<b>No</b>
<p>Do injured workers obtain WorkCover Medical Certificates at your workplace following a workplace injury?</p> <p><i>Workers should obtain one as soon as possible; scheme agents are expected to make allowances for workers in remote areas or where a hospital has issued a regular medical certificate as examples.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Do injured workers provide WorkCover Medical Certificates to the employer as soon as they are able to?</p> <p><i>Injured workers should do this as soon as possible. Many Doctors surgeries will fax Certificates to the insurer and employer. This is a good practice if they are willing to do this.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Does the employer pass on Medical Certificates to their scheme agent (insurer) within 7 days?</p> <p><i>An employer must pass all documentation on within 7 days in line with s 264 of the WIMWCA 1998.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Has the employer/scheme agent (insurer) attempted to change a WorkCover medical certificate (by bullying the NTD)</p> <p><i>This is not acceptable. They are obliged to communicate in an open and meaningful way with the NTD and the injured worker. Contact the your union if this occurs.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Does the employers' return to work coordinator always abide by the information provided in the WorkCover medical certificate?</p>	<input type="checkbox"/>	<input type="checkbox"/>

<p>A return to work coordinator (RTW coordinator) must always comply with the medical advice found on a WorkCover Authority (WCA) medical certificate in line with c15(j) of the Workers Compensation Regulation 2003 (WCR 2003).</p>		
<p>Does your employer accept all WCA medical certificates provided by injured workers?</p> <p><i>Employers are legally obligated to abide by a WCA medical certificate. Should your employer have a concern that could affect successful return to work, the employers' RTW coordinator is entitled to seek clarification from the NTD.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Yes</b>	<b>No</b>
<p>Do injured workers complete an employer consent form to access information relevant to the injury?</p> <p><i>An injured worker is required to give consent for relevant information to be exchanged between the parties regarding the workers return to work. <b>Appendix 5</b></i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Does your employers scheme agent (insurer) develop an Injury Management Plan for each worker who will be incapacitated (either partially or totally) for longer than 7 calendar days?</p> <p><i>Under s45 of the WIMWCA 1998 commencement of the development of an Injury Management Plan must start within 3 days of the notification of a significant injury.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>If a worker requires Domestic Assistance for personal needs/responsibilities at home is it provided-temporarily or permanently by the employer's scheme agent (insurer)?</p> <p><i>This is an entitlement that an injured worker may have if the injured worker's NTD identifies it on the WCA medical certificate in line with s60AA of the WCA 1987.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Returning to Work – Suitable Employment (Duties)</b>	<b>Yes</b>	<b>No</b>
<p>Do all injured workers who cannot return to pre-injury employment (duties) receive an offer of suitable employment via a current Return To Work plan?</p> <p><i>An employer must at the request of an injured worker provide suitable duties (as far as is reasonably practicable) under s49(1) of the WIMWCA 1998.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Are suitable duties in line with the current WorkCover Medical Certificate?</p> <p><i>Suitable duties must be provided in line with the WCA medical certificate as per s 43A of the WCA 1987.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Are meaningful suitable employment (duties) offered?</p> <p><i>Suitable duties offered must be meaningful in line with s43A(3) of the WCA 1987.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Are you involved when an injured worker returns to work in either suitable duties or preinjury duties?</p> <p><i>Injured workers are entitled to have representation at all stages of return to work.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Rehabilitation – Occupational and Vocational Rehabilitation</b>	<b>Yes</b>	<b>No</b>
<p>Does the employer have an agreed list of Rehabilitation Providers for the worker to choose from?</p> <p><i>This information must be provided within the return to work program.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Do workers get to choose their Rehabilitation Provider at your workplace?</p>		

Workers have a legal right to select the professionals involved in their case including rehabilitation providers as per the Guidelines for workplace return to work programs 2010	<input type="checkbox"/>	<input type="checkbox"/>
Are modifications made to the workplace to allow workers to work in temporary or permanently modified suitable employment? <i>Reasonable modifications are a requirement under s49(2) of the WIMWCA 1998.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Are injured workers provided with timely and appropriate training for temporary or permanent suitable employment? <i>Injured workers are entitled to receive timely and appropriate training that should be identified and described in the workers current Injury Management Plan as per s45(6) of the WIMWCA 1998 and s43A(2) of the WCA 1987.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Does your employer offer permanently modified duties to all workers who cannot return to their pre-injury employment? <i>The hierarchy of return to work goals must be followed in line with the Guidelines for workplace return to work programs 2010</i>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Independent Medical Examinations (and Examiners) and Injury Management Consultants</b>	<b>Yes</b>	<b>No</b>
Referral for an independent medical examination is only appropriate when information from the treating medical practitioner(s) is inadequate, unavailable or inconsistent and where the referrer has been unable to resolve the issues related to the problem directly with the practitioners. <i>A worker must attend a properly notified and arranged IME. However, they are entitled to be notified correctly and treated reasonably.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Are workers provided with a minimum of 10 days notice of an independent medical examination? <i>Examinations should not be attended if this notice is not provided unless a shorter time is required because of exceptional and unavoidable circumstances and agreed to by the parties eg a need</i>	<input type="checkbox"/>	<input type="checkbox"/>





<p>Does your employer have a current Workers Compensation policy?</p> <p><i>Employers in NSW must have a current policy as per s155 of the Workers Compensation Act 1987 (WCA 1987) unless your employer is a self-insurer.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Does your employer have an employee and union agreed Return To Work Program?</p> <p><i>Your employer is required to develop a return to work program with employees and any union under s52 (2) of the WIMWCA 1998.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Is a summary of the Return To Work Program displayed in the workplace?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Is the WorkCover NSW Summary of Workers Compensation poster displayed in the workplace?</p> <p><i>Your employer must have the current WorkCover poster available in the workplace in line with s231(1) of the Workplace Injury Management and Workers Compensation Act 1998 (WIMWCA 1998).</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Is the name of your employers Return To Work Coordinator and Scheme agent (insurer) written on the poster?</p> <p><i>Your employer is required to do this under s231(d) WIMWCA 1998</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Yes</b>	<b>No</b>
<p>Does your Award and or Enterprise Bargaining Agreement have special arrangements for Workers Compensation (i.e. make-up pay)?</p> <p><i>Many agreements have a clause relating to the payment of make-up pay so workers aren't disadvantaged if they go onto workers compensation.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Do injured workers keep detailed records of their workers compensation claim including all documentation and notes of any meeting attended?</p> <p><b>Appendix 2</b> <i>The injured worker should make a file note of all meetings, conversations and telephone calls; and keep a detailed</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

<p><i>diary with all records relevant to that injury.</i></p>		
<p>Do you (and other employee representatives) keep detailed records of your involvement in workers compensation matters including dates, times, names and outcomes?</p> <p><b>Appendix 2</b> <i>Employee representatives should make a file note of all meetings, conversations and telephone calls; and keep a detailed diary with all records relevant to that injury.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Are all incidents and hazards notified (reported) to the employer?</p> <p><b>Appendix 3</b> <i>All employers must have a Register of injury in addition to incident and hazard reporting systems.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>When people are injured, are measures taken to prevent further injuries / illness?</p> <p><i>All injuries and illnesses require investigation that must include the identification of hazards, the identification of risks, the elimination of risks, the management of risks and meaningful consultation with the employees affected during the process.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

## APPENDIX F- ALTERNATIVE RETURN TO WORK CHECKLIST

# OHS or Union Return to Work Checklist for Workplace Injury Management

The following checklist will assist OHS and Union Representatives to ensure they are meeting their obligations under the NSW Workplace Injury Management and Workers Compensation Act, 1998.

### 1. Prevention of occupational injuries and illness

- There are OHS policies and programs in place in the workplace
- Consultation occurs on OHS issues eg. a Workplace OHS Committee is established
- There is training provided in all Occupational Health and Safety procedures and an OHS induction is provided to new employees
- There are systems in place to identify, assess and control hazards and these systems are regularly reviewed
- Accident/incident reports and injury management statistics are regularly monitored by the OHS Committee

### 2. Developing and implementing the Return-to-Work Program

- Return-to-Work Program is written and displayed
- Return-to-Work Program incorporates the commitments and procedures outlined in the "Guidelines for workplace return to work programs"

- Return-to-work program is consistent with insurers' injury management program and Workcover regulation and guidelines
- A trained return-to-work coordinator is appointed (WorkCover trained)
- Responsibilities of the return-to-work coordinator and the insurer are outlined in the Return-to-Work Program
- Systems are in place for maintaining confidential rehabilitation files
- The agreed rehabilitation providers are listed in the Return-to-Work Program and have been agreed to by the union and OHS Committee and Representatives
- Workers are informed of company policy on return to work

### **3. Early commencement of injury management and return to work**

- Procedures for workers to notify employers of injuries as soon as possible
- Procedures for notifying insurer of significant injuries within 48 hours
- Procedures for notifying insurer of all other injuries within 7 days
- The name of the insurer is listed
- Procedures for return-to-work coordinator to make contact with nominated treating doctor and injured worker to assist in the development of the injury management plan and return-to-work plan
- Procedures for identifying, offering, accepting and monitoring suitable duties

### **4. Suitable Duties**

- Suitable duties are offered in all cases
- Reasons for not providing suitable duties are documented
- Suitable duties are consistent with the injured worker's medical restrictions

- Suitable duties are meaningful and productive
- Suitable duties are negotiated with all relevant parties and written in an individual return-to-work plan
- Suitable duties are time limited and include review dates, representing a graded return to normal hours/duties
- Changes to suitable duties are initiated in consultation with all parties

#### **5. Consultation with workers and, where applicable, unions**

- The Return-to-Work Program is developed in consultation with the workforce and the relevant unions
- workers are informed of their rights and obligations concerning workers compensation
- the employer has consulted workers and unions nominating a preferred rehabilitation provider as part of their return-to-work program
- the company's OH&S and return-to-work programs is presented in appropriate training programs (induction, supervision, OH&S committee, management)

#### **6. Returning to work does not disadvantage injured workers**

- Procedures are in place to use interpreters when necessary
- Procedures are in place to assist a worker to find alternative employment if they cannot return to their pre-injury job
- Procedures for managing disputes regarding suitable duties are in place and include the use of rehabilitation providers, Injury Management Consultants, independent medical examinations and Approved Medical Specialists

[WorkCover Claims Assistance Service: 13 10 50](#)

[WorkCover Provider Services Branch Help line: 1800 801 905](#)

[NSW WORKCOVER Guidelines for Workplace Return to Work Programs](#)

[Your recovery and return to work after a workplace injury](#)- Workcover NSW

Publication

For more information please contact your union. This Literature is recommended as a guide only and is not a substitute for professional or legal advice. If you need clarification or further advice please consult your Union for further information or *Contact the Workers Health Centre. The [Workers Health Centre](#) is a non-profit organisation that has provided workers with quality health and safety services since 1976.*