

- advise you about suitable duties while the injured worker is recovering from injury
- participate in return to work plans.

#### The Scheme Agent will:

- authorise payment of weekly benefits within seven days of being notified of the injury, or advise the reason for non-payment
- pay reasonably necessary medical expenses
- prepare an injury management plan if the worker suffers a significant injury
- decide whether to accept or decline a worker's claim for workers compensation and advise you and the worker in writing
- keep you informed of progress.

#### PREVENTING DISPUTES

Disputes are expensive and can delay a worker's return to work. It is best to take steps to prevent all unnecessary disputes. Help is available from your Scheme Agent, WorkCover or your employer association.

#### WORKERS COMPENSATION POLICIES

You must have a current workers compensation insurance policy covering all your workers. If you do not have a workers compensation policy or you provide false information, penalties may result, including a fine of up to \$55,000 and/or six months imprisonment.

For the purposes of this brochure, Scheme Agent refers to the seven organisations contracted to WorkCover to manage policies and claims within the NSW Workers Compensation Scheme. The Scheme Agents are:

- Allianz Australia Worker's Compensation (NSW) Limited  
Tel: 1300 130 664
- Xchanging  
Tel: 1800 803 905
- CGU Workers Compensation (NSW) Limited  
Tel: 02 8224 4000
- Employers Mutual NSW Limited  
Tel: 1800 469 931

- Gallagher Bassett Services Pty Ltd  
Tel: 1800 007 033
- GIO General Limited  
Tel: 13 10 10
- QBE Workers Compensation (NSW) Limited  
Tel: 02 9375 444

If you have concerns about your Scheme Agent's service, ask for their customer relations manager.

#### NEED FURTHER INFORMATION?

For more information on workplace injury reporting, workers compensation, or workplace health and safety:

- contact your Scheme Agent
- phone the WorkCover Assistance Service on **13 10 50**
- visit the website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

#### Disclaimer

This publication may contain occupational health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

Catalogue No. **WC01406**  
WorkCover Publications Hotline **1300 799 003**

#### WorkCover NSW

92-100 Donnison Street Gosford NSW 2250  
Locked Bag 2906 Lisarow NSW 2252  
WorkCover Assistance Service **13 10 50**  
Website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

ISBN 978 1 74218 370 3 © Copyright WorkCover NSW 1210



# EMPLOYER'S GUIDE

## WHAT TO DO IF AN INJURY OCCURS



This brochure provides you with information about how to help an injured worker return to work quickly and safely.



## **YOUR OBLIGATIONS IN HELPING AN INJURED WORKER RETURN TO WORK**

If a worker is injured at work, you must notify your Scheme Agent within 48 hours. You also need to complete your workplace Register of Injuries as soon as possible.

When you notify your Scheme Agent, you will be asked for some basic details and allocated a notification number. In some cases the Scheme Agent may ask for a claim form to be completed.

It is also important to investigate the cause of the injury as this will help prevent a recurrence.

Within three working days of receiving notice of a significant injury – ie an injury that keeps a worker away from their normal duties for more than seven days – the Scheme Agent will contact you as well as the worker and their doctor to initiate injury management planning.

Providing early treatment and return to work is best for both you and the worker. It helps a worker's recovery and morale and reduces claims and premiums costs.

### **INJURY MANAGEMENT PLAN**

Your Scheme Agent will develop an injury management plan in consultation with you, the injured worker and the treating doctor to help the worker's recovery and return to work.

The injury management plan will include details about:

- medical and other treatments
- arrangements for return to work including suitable duties during recovery.

Both you and the injured worker are required to participate in this plan.

### **RETURN TO WORK PLAN**

As an employer, you need to provide suitable duties and develop a return to work plan for the injured worker. The return to work plan must be developed in consultation with the worker and the nominated treating doctor.

It must also include details of what the worker can and cannot do, the medical restrictions, and the hours and days of the worker's return to work.

## **HELPING AN INJURED WORKER RETURN TO WORK ON SUITABLE DUTIES**

Suitable duties, or alternate duties, are those duties that a worker performs while recovering from their injury. Your return to work coordinator or a rehabilitation provider will help you to identify suitable duties. They include:

- parts of the same job the worker was doing before the injury
- the same job, but on reduced hours
- different duties altogether or duties at a different site
- training opportunities
- a combination of some or all the above.

### **To identify suitable duties:**

- make a list of the duties in the worker's job
- ensure you understand the medical restrictions
- ask the worker and treating doctor about restrictions and capabilities
- consider how other workers may be affected by the restricted duties and hours
- gain the support of the worker's supervisor
- use other return to work plans as a guide
- talk with the worker and review their progress regularly
- consult with the treating doctor to revise the plan as the worker's health and capabilities improve.

### **You are required to provide suitable duties except:**

- where a worker has resigned voluntarily or employment is terminated for reasons other than the worker's injury or fitness for work
- it is impracticable to provide such duties.

## **RIGHTS AND RESPONSIBILITIES**

All information, including relevant documentation about the workers compensation claim, must be sent to your Scheme Agent within seven working days.

When a worker asks to claim workers compensation, notify your Scheme Agent, even if you do not agree that the injury is work related. Your Scheme Agent will ask you and the worker for facts about the injury.

### **Your responsibilities:**

- have a written return to work program that describes the return to work process, developed in consultation with and agreed to by your workers
- notify your Scheme Agent of all injuries within two days of advice of the injury
- consult with the injured worker, treating doctor and your Scheme Agent about the injured worker's injury management and return to work plans
- organise suitable (alternate) duties for the injured worker while the worker is recovering from injury
- keep in touch with the injured worker until the worker recovers from injury and returns to normal duties
- send all documents relating to a claim to the Scheme Agent within seven days
- review and update your return to work program at least every two years to include any workplace or legislative changes
- provide evidence to your Scheme Agent if you doubt that the injury is work related.

### **Your worker's role:**

- tell you of any injury or illness immediately
- see a doctor to arrange treatment and provide you with a WorkCover medical certificate
- return to work as soon as possible
- keep in touch with you regularly
- comply with injury management and return to work plans
- notify the Scheme Agent if their employment circumstances change.

If the injured worker refuses a reasonable offer of suitable duties, workers compensation benefits may be stopped or reduced.

### **The treating doctor's role is to:**

- arrange for necessary treatment for the worker's injury
- complete WorkCover medical certificates
- monitor the worker's condition regularly
- liaise with you and the Scheme Agent to develop the written plans for the injured worker's return to work