

STANDARD RETURN TO WORK PROGRAM

EMPLOYER RESPONSIBILITIES

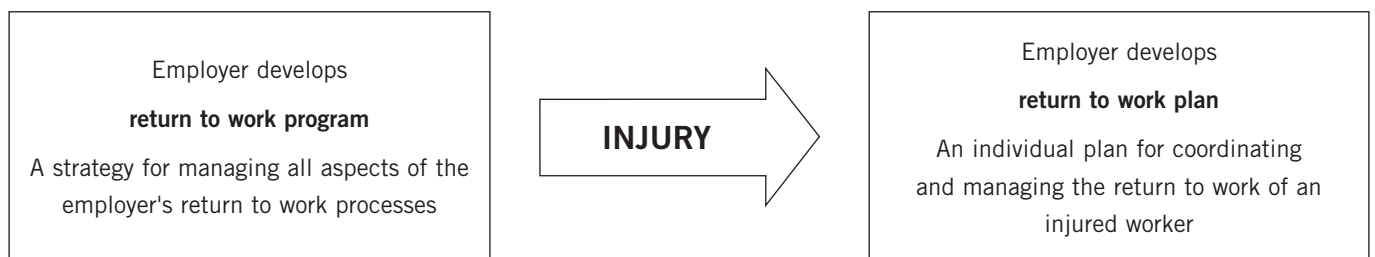
All employers must have a return to work program. A return to work program documents the employer's policies and procedures for managing workers who suffer a work-related injury or illness.

WorkCover has developed a standard return to work program that can be used by most small employers – (see page 3). After filling in company details, copies of this program should be placed in locations where workers will be able to easily refer to it.

Employers are encouraged to adapt this program to ensure it works for the individual workplace. Employers should ensure that the program is:

- consistent with their workers compensation agent/insurer's injury management program (contact your agent/insurer for more information)
- reviewed every two years.

The program outlines general procedures for handling workplace injuries. In conjunction with this program when a worker is injured, a return to work plan should be developed and tailored to suit the particular needs of the individual who is injured.



This plan must outline how the employer is going to help the injured worker back to work. Key to the success of the plan is to offer the injured worker 'suitable' duties – duties that are appropriate given the worker's injury and capacity for work. Scheme agents/insurers and WorkCover approved workplace rehabilitation providers can assist employers develop an appropriate return to work plan.

For more information, refer to WorkCover's *Guidelines for workplace return to work programs* (Catalogue No. WC02872).

Customised return to work programs

Large employers must develop a *customised* return to work program if they:

- have a basic tariff premium that exceeds \$50,000 per annum
- are self-insured
- are insured by a specialised insurer, and employ more than 20 workers.

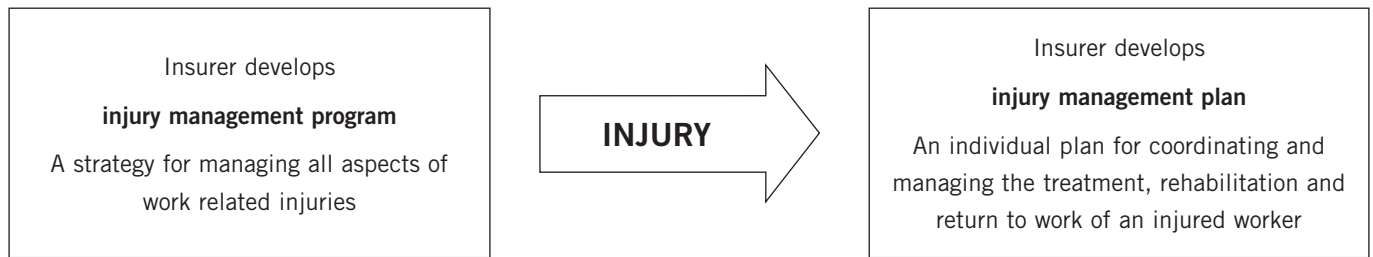
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Exemptions

There are some exemptions from the requirement to establish a return to work program – for example owner builders and where family members are the only employees and are not in an employment relationship with the employer. For more information refer to section 15L of the *Workplace Injury Management and Workers Compensation Regulation 2003*.

WORKERS COMPENSATION AGENT/INSURER RESPONSIBILITIES

Agent/insurers also have responsibilities to assist injured workers return to work. Similar to the employers' return to work program, agent/insurers have an injury management program, which is a set of procedures to follow when an agent/insurer is notified about an injured worker.



Following an injury, the employer, agent/insurer and treating doctor must work together to develop an individually tailored injury management plan for the injured worker. This plan outlines the treatment, rehabilitation and return to work of the injured worker.

Injury management

Injury management is the term used to cover all aspects of managing a worker's injury or illness and their return to work.

The aim of effective injury management is a timely, safe and durable return to work for workers who suffer a work-related injury or illness. The key to effective injury management involves:

- having systems in place so that everyone in the workplace agrees, understands and knows what to do in the event of an injury
- early reporting of injuries – workplace injuries must be reported to the workers compensation agent/insurer within 48 hours
- timely provision of treatment and assistance for return to work
- appropriate return to work – the workplace is the most effective place for a worker to recover
- the injured worker, the employer, the agent/insurer and treatment providers working in an effective and coordinated way
- timely payment of weekly benefits and medical expenses.

More information

- WorkCover Assistance Service on 13 10 50
- WorkCover Publications Hotline on 1300 799 003
- www.legislation.nsw.gov.au
- 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).

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.

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STANDARD RETURN TO WORK PROGRAM

Employer commitment

_____ is committed to the return to work of our injured workers and will:
(name of organisation)

1. prevent injury and illness by providing a safe and healthy working environment
2. participate in the development of an injury management plan and ensure that injury management commences as soon as possible after a worker is injured
3. support the injured worker and ensure that early return to work is a normal expectation
4. provide suitable duties for an injured worker as soon as possible
5. ensure that our injured workers (and anyone representing them) are aware of their rights and responsibilities – including the right to choose their own doctor and approved workplace rehabilitation provider, and the responsibility to provide accurate information about the injury and its cause
6. consult with our workers and, where applicable, unions to ensure that the return to work program operates as smoothly as possible
7. maintain the confidentiality of injured worker records
8. not dismiss a worker as a result of a work related injury within six months of becoming unfit for employment.

Procedures

1. Notification of injuries
 - Notify all injuries to the supervisor as soon as possible.
 - Record all injuries in the Register of Injuries.
 - Notify _____ of all injuries within 48 hours.
(name of workers compensation agent/insurer)
2. Recovery
 - Ensure that the injured worker receives appropriate first aid and/or medical treatment as soon as possible.
 - Consult with the doctor nominated by the injured worker and who is responsible for the medical management of the injury and assist in planning return to work.
3. Return to work
 - Arrange a suitable person to explain the return to work process to the injured worker.
 - Ensure that the injured worker is offered the assistance of a WorkCover approved workplace rehabilitation provider if it becomes evident that they are not likely to resume their pre-injury duties, or cannot do so without changes to the workplace or work practices.

Nominated WorkCover approved workplace rehabilitation providers:

 - Arrange for the worker's early return to work (subject to medical and rehabilitation provider advice).
4. Suitable duties
 - Develop an individual return to work plan when the worker according to medical advice, is capable of returning to work.

- Provide suitable duties that are consistent with medical advice and that are meaningful, productive and appropriate for the injured worker's physical and psychological condition depending on the individual circumstances of the injured worker. Suitable duties may be:
 - at the same worksite or a different worksite
 - the same job with different hours or modified duties
 - a different job
 - full time or part time.

5. Dispute resolution

- Work together with the injured worker and their union representative to resolve any disagreements about the return to work program or suitable duties.
- If disagreements cannot be resolved, involve other parties such as the worker's treating doctor, the agent/insurer, an approved workplace rehabilitation provider or an injury management consultant.

Contacts

Workplace contact for return to work program

Name _____ Telephone _____

Workers compensation agent/insurer

Name _____ Telephone _____

Address _____

_____ Website _____

WorkCover Claims Assistance Service on 13 10 50

Workers Compensation Commission for resolution of disputes www.wcc.nsw.gov.au

Information for workers

You have the right to:

- nominate your own treating doctor who will be involved in your injury management plan
- choose your own approved workplace rehabilitation provider if necessary
- be actively involved in the planning of your return to work.

You must:

- take care to prevent work injuries to yourself and others
- notify your employer of an injury as soon as possible
- comply with your injury management plan
- provide accurate information about any aspect of your claim
- notify the agent/insurer if you get a job or if you earn extra income from your job while you are receiving weekly benefits
- attend medical and rehabilitation assessments
- cooperate in workplace changes that will assist other injured workers.

If you do not comply with your injury management plan, the agent/insurer may suspend your benefits.

