



## Injury Management: A Guide for Employers





# Getting **workers** back on their feet

Getting injured workers back into their jobs quickly is not only good for business, it has positive effects for workers too.

Research has demonstrated the longer a worker stays away from work the less likely they are to make a full return to their original job. When workers are away for an extended time, your business may face disruption, reduced productivity and increased workers' compensation insurance premiums.

## Injury management

Injury management focuses on early reporting, rehabilitation and return to work strategies to assist the injured worker make an early and safe return to work.

It doesn't have to be complex. The information and range of tools outlined in this Guide aim to help your business to understand and meet its legal obligations.



## Effective injury management

This Guide outlines **three steps** to effective injury management:

### 1. Preparing your workplace

Developing your Injury Management System

- 1.1 Select your Injury Management Coordinator
- 1.2 Decide on the steps you will take when a worker is injured
- 1.3 Inform your workers
- 1.4 Evaluate and monitor the system

### 2. Dealing with an injury

Applying your Injury Management System

- 2.1 Provide first aid to your worker
- 2.2 Make early contact with the treating doctor
- 2.3 Help the worker complete their claim for compensation
- 2.4 Support your injured worker

### 3. Helping the worker return to work

Establish a Return to Work Program or request your insurer to do so

- 3.1 Developing a Return to Work Program
- 3.2 Specify the return to work goal
- 3.3 Identify alternative, modified or restricted duties ('suitable duties')
- 3.4 Monitor and update the Return to Work Program
- 3.5 Communicate with your injured worker and their doctor

This Guide also sets out the roles and responsibilities of other participants in the injury management and return to work process.

- The injured worker
- The treating medical practitioner
- The insurer
- Workplace rehabilitation<sup>1</sup> providers

At the end of this Guide there is a 'Toolbox for employers' containing information and templates to assist you.

## Your legal obligations

This Guide will help you to meet your obligations under Western Australian law. The Western Australian workers' compensation system requires every employer to:

- Have workers' compensation cover for all workers (penalties apply for avoidance).
- Have a documented **Injury Management System** outlining the steps the employer will take if a worker is injured and the contact details of the person who will have day-to-day responsibility for the Injury Management System.
- Establish and implement a **Return to Work Program** as soon as practicable after:
  - the treating doctor indicates in writing the need for a Return to Work Program; or

- the worker's treating doctor signs a medical certificate to the effect that the worker has partial capacity for work or has total capacity for work but is unable to return to their pre-injury position for some reason.

Injury management and return to work requirements are set out in the *Workers' Compensation and Injury Management Act 1981* and the *Workers' Compensation Code of Practice (Injury Management) 2005*.

## Help for employers

While this Guide will help you to understand and meet your obligations, there are others who can also help:

- Speak with **your insurer** about workers' compensation and the assistance they can provide. You may also have an insurance broker that can assist.
- **WorkCover WA** can answer any questions you have about this Guide or about the workers' compensation system. Visit our website at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) or call **1300 794 744**.
- **WorkSafe** is responsible for Occupational Health & Safety (OHS) legislation in Western Australia and can provide information on your OHS obligations<sup>2</sup>. Visit the WorkSafe website at [www.commerce.wa.gov.au/worksafe](http://www.commerce.wa.gov.au/worksafe) or call **1300 307 877**.

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<sup>1</sup> For the purposes of this Guide the term 'workplace rehabilitation' means 'vocational rehabilitation' as defined in the *Workers' Compensation and Injury Management Act 1981*.

<sup>2</sup> Western Australia's *Occupational Safety and Health Act 1984* and accompanying regulations are scheduled to be replaced in 2012. Please verify any OHS requirements with WorkSafe through email at [safety@commerce.wa.gov.au](mailto:safety@commerce.wa.gov.au) or telephone **1300 307 877**.

# STEP 1

## Preparing your workplace

All employers must have an Injury Management System. An Injury Management System is simply a written description of the steps you will take when there is an injury in your workplace.

### Developing your Injury Management System

#### 1.1 Select your Injury Management Coordinator

All employers must nominate an employee to have day-to-day responsibility for the Injury Management System – usually referred to as the Injury Management Coordinator.

In small business the owner often fills this role. A medium-sized business may designate the role on a part or full-time basis. Large businesses may need to appoint a number of Injury Management Coordinators across many sites.

Choose your Injury Management Coordinator carefully. An ability to communicate and develop rapport with a range of different people are important skills to consider when selecting the person for this role.

The Injury Management Coordinator will need your support to perform their role effectively. You should ensure they have access to relevant training, resources and any other assistance required to carry out their roles.

#### 1.2 Decide on the steps you will take when a worker is injured

The detail included in your Injury Management System will vary depending on the size and nature of your business. To get started, refer to the template on page 34 of this Guide or the WorkCover WA website at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) under *Returning to Work > Injury management systems*. You can change or add to the template to suit the needs of your workplace.

# STEP 1

## Preparing your workplace

# STEP 1

## Preparing your workplace

Start by asking yourself the following questions

### What should be done immediately after an injury in the workplace?

- What first aid should be delivered and by whom?
- How will the injured worker access initial medical treatment?
- What is the procedure for contacting and informing your insurer and other parties of an injury occurring?
- How will the worker be assisted to lodge a workers' compensation claim?

### What should be done to keep the injured worker at work or to return them to work following the injury?

- When and how will contact occur with the doctor?
- How will the worker be provided with a workers' compensation claim form?
- What are the steps to be taken in lodging the claim form?
- How will you work with the doctor to assist an injured worker back to work? Can your business provide duties within medical restrictions so a worker can remain at, or return to, work earlier after an injury?

- When and how will you provide a Return to Work Program for your injured worker?
- How (and how often) will you and your injured worker communicate?
- What should be expected of your injured worker?
- What contact will you have with your insurer and how can they assist?
- What other parties should be involved – unions, worker's supervisor, workplace rehabilitation providers?

### Your legal obligations

- Each employer must establish an Injury Management System.
- The name and contact details of the person with day-to-day responsibility for the Injury Management System must be included in the Injury Management System document. (An employer with multiple workplaces may nominate a person at each workplace for this role).
- WorkCover WA inspectors can ask to view the documented system.
- A penalty may apply if the system has not been properly established.

**Medium to large businesses** may also consider these steps:

1. Gain commitment at senior management level.
2. Identify a person or representative workforce group to develop the Injury Management System.
3. Develop a draft Injury Management System.
4. Provide the draft to interested parties for feedback e.g. unions, employee representatives, management.
5. Negotiate any changes.
6. Submit the final draft for management approval.
7. Inform your workforce of the existence and content of the system.
8. Agree on a process for regular review of the system.

### 1.3 Inform your workers

#### 1. Promote the system

Make an announcement regarding the existence of the Injury Management System at a work meeting, during employee inductions, in the workplace newsletter, by email, intranet and any other way that you communicate with your workforce.

#### 2. Make the system accessible

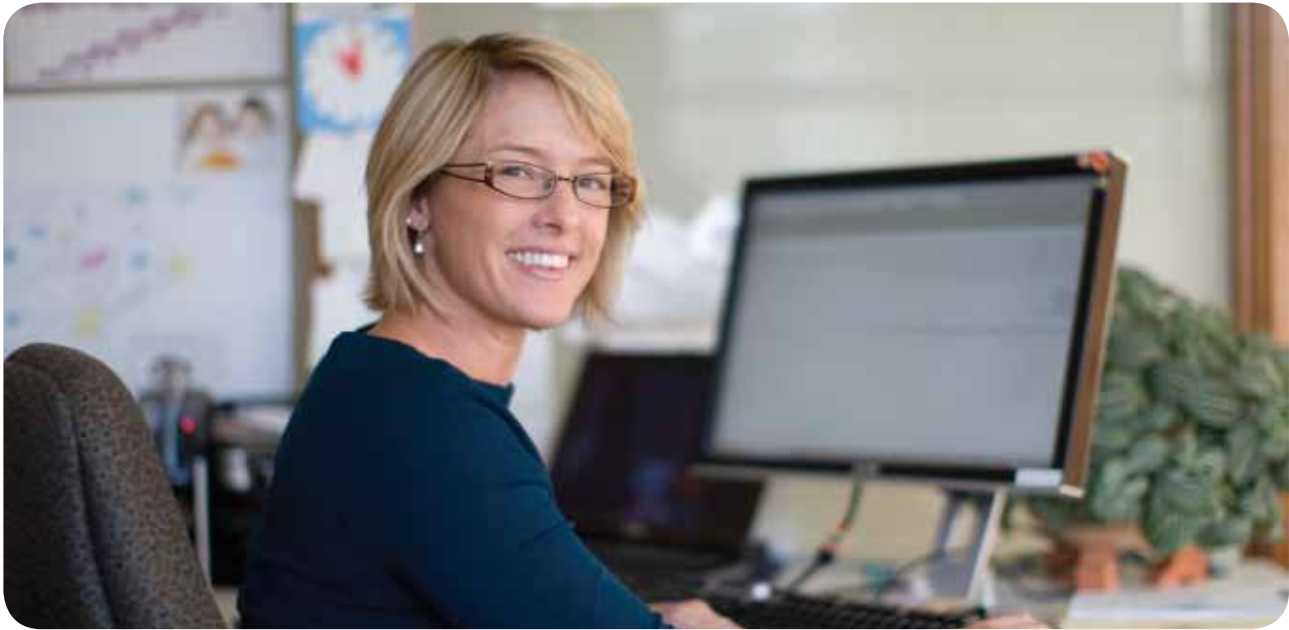
You must ensure your workers know how to get a copy of the Injury Management System. Put a copy on the staff notice board, in the crib room, staff room and other places where workers are likely to see it. Provide a copy to new employees in their induction packs.

#### 3. Explain the system

Take the time to answer any questions and address any concerns relating to the system. Remember, employees don't expect to be injured so make sure the information is easily available and revisited from time to time.

# STEP 1

## Preparing your workplace



### 1.4 Evaluate and monitor the system

Your Injury Management System will need to be updated to reflect changing business circumstances. Review the document annually (or sooner if there are changes that will affect the system). Make sure it continues to be relevant for your business and workers.

**When evaluating your Injury Management System consider the following:**

- Does it still meet the legal requirements?
- Are the Injury Management Coordinator's details correct?
- Do the steps outlined in the current system deliver a positive return to work result?
- What is the feedback from your workers regarding the system?

## Applying your Injury Management System

### 2.1 Provide first aid to your worker

Ensure your worker receives immediate first aid and appropriate medical treatment as soon as possible.

A basic first aid kit is essential for all workplaces. Consider any extra equipment you might need specific to the duties and risks in your workplace. Decide who will be responsible for the re-stocking and upkeep of your first aid equipment. Make sure you have people within your business who have relevant first aid training.

Further information regarding first aid is available from the WorkSafe website at [www.commerce.wa.gov.au/worksafe](http://www.commerce.wa.gov.au/worksafe) or call **1300 307 877**<sup>3</sup>.

### 2.2 Make early contact with the treating doctor

#### **Injured workers have a right to choose their own doctor**

Workers may choose to use their family doctor after an injury. If you have a preferred doctor or medical practice

nearby you can discuss using this medical service with your injured worker. Medium to large employers may wish to identify medical practitioners near the workplace who have an interest in injury management. In certain circumstances the employer may want to seek another opinion and can refer the worker for review to a doctor of the employer's choice. However, the ultimate choice of treating doctor remains with the injured worker and this must be respected.

#### **The first doctor's appointment**

If the treating doctor believes the injury is work related they will issue a First Medical Certificate to the worker. This certificate is required to lodge a workers' compensation claim with your insurer.

The First Medical Certificate contains a 'consent authority' that, when signed by the worker, allows the treating doctor to discuss the claim and medical condition with yourself and the insurer. If the authority is not signed, there may be delays in processing the claim.

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<sup>3</sup> Western Australia's *Occupational Safety and Health Act 1984* and accompanying regulations are scheduled to be replaced in 2012. Please consider verifying any requirements in relation to OHS matters, including first aid, with WorkSafe through email at [safety@commerce.wa.gov.au](mailto:safety@commerce.wa.gov.au) or telephone **1300 307 877**.

## STEP 2

### Dealing with an injury



Read the First Medical Certificate (and all Progress Medical Certificates) and follow the doctor's instructions. Especially note any restriction in hours of work or physical activities and the worker's capacity to undertake alternative duties.

Depending on the nature of the injury the doctor may indicate (either on the certificate or elsewhere in writing) the need for a Return to Work Program. You may wish to organise a case conference with the worker and the doctor to discuss this.

#### Case conferencing

Meeting with the worker and the doctor at key decision points can assist in the overall management of your worker's injury. Talk to your worker about participating in case conferences with you, your insurer and the doctor. Case conferences should be separate to the worker's scheduled medical review. They are a meeting of key parties including the injured worker, the treating doctor, the insurer and the workplace rehabilitation provider to set goals, ensure roles and responsibilities are understood and agree on how outcomes are to be measured.

### 2.3 Help the worker complete their claim for compensation

Supply your worker with a workers' compensation claim form. Your insurer will be able to provide this or you can download one at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) under *Publications & Forms > Forms > Claim/Worker Forms*.

**wa.gov.au** under *Publications & Forms > Forms > Claim/Worker Forms*.

- Complete the employer details section of the form and provide any assistance sought by the worker to complete the remainder of the form.
- You must submit the completed claim form, the First Medical Certificate and any medical bills to the insurer within five working days from receipt of the claim form and First Medical Certificate.
- Speak to the insurer about the claim, follow up on its progress and keep your worker informed. Your insurer must advise you and the worker of their decision on the claim within 14 days. The advice must indicate if the claim is accepted or disputed, or if more time is required to make a decision.
- Provide your injured worker with contact details should they wish to contact the insurer directly.



## STEP 2

### Dealing with an injury

#### **Paying your employee while waiting for their claim to be processed**

If a worker is not able to work as a result of their injury, they may experience financial stress while waiting for their claim to be accepted. This could negatively impact on the overall outcome of the claim.

#### **What you can do**

- Discuss any concerns with the injured worker.
- If the worker agrees, pay any sick leave, holiday leave or long service leave they may have in lieu of their normal weekly wages. (These payments can be re-credited once the claim is accepted).
- Discuss available options with your insurer.
- Start planning for the worker's return to work straight away so that your worker can resume paid employment as soon as possible.

#### **2.4 Support your injured worker**

Your understanding and encouragement of the injured worker is crucial.

A supportive and positive approach from the employer (particularly the line manager) at the time of the injury and throughout the injury management process can have a positive impact on a worker's response to their injury and their successful return to work.

Avoid blaming any party or group for the injury and consider the effect the workplace injury may have on co-workers. Remember to manage co-worker expectations by keeping them informed while maintaining confidentiality. Sometimes co-workers can have a negative impact on an injured worker's return to work through their actions and behaviours. Appropriate measures should be in place to prevent and manage these situations.

## STEP 2

### Dealing with an injury



#### Your legal obligations

You must submit the completed workers' compensation claim form and the first medical certificate to the insurer within five working days after receipt from the injured worker.

You must notify WorkSafe:

- If your worker is likely to be off work for 10 consecutive business days as a result of a work injury; and/or
- If the injury or disease is on the list of reportable injuries (Visit the WorkSafe website for information on reporting injuries at [www.commerce.wa.gov.au/worksafe](http://www.commerce.wa.gov.au/worksafe))

For more information call WorkSafe on **1300 307 877**

Mining, onshore petroleum and geothermal operations must notify the **Department of Mines and Petroleum** of any accidents and dangerous occurrences. For more information visit [www.dmp.wa.gov.au/resourcessafety](http://www.dmp.wa.gov.au/resourcessafety)

Establish a Return to Work Program or request your insurer to do so

### 3.1 Developing a Return to Work Program

Taking the lead in developing a Return to Work Program can significantly reduce the time your worker is away from work following an injury.

#### When is a Return to Work Program needed?

##### Your legal obligations

You must develop a Return to Work Program as soon as practicable after:

- The treating doctor indicates in writing the need for a Return to Work Program; or
- The treating doctor signs a medical certificate to the effect that the worker has partial capacity for work or has total capacity for work but is unable to return to their pre-injury position for some reason.

#### Key points for developing a Return to Work Program

You **must**:

- Give the worker the opportunity to participate in the development of the program.
- Describe the program in writing (for template see page 36 of this Guide or see the WorkCover WA website at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) under *Returning to Work > Return to work programs*).
- Give copies of the program to the doctor and the injured worker.
- Provide a copy of any changes to the program in writing to the injured worker and doctor.

You **should**:

- Communicate with the treating doctor when developing the program.
- Keep a copy of the program for yourself and give a copy to the worker's line manager and a copy to your insurer.
- Inform line managers and, as necessary, co-workers of the program's content.
- Monitor your worker's progress in the program.
- Update the program when the worker's medical restrictions change or if there is a change in the workplace that affects the program.

## STEP 3

### Helping the worker return to work

#### **If your worker is going to be off work for a long time**

In some cases the severity or type of injury means your worker may be off work for many weeks or even months. When this occurs, injury management should focus on keeping your worker connected to the workplace. If it is not possible to find suitable duties for the worker, there are other ways to help your injured worker feel they are still part of the team including:

- Weekly phone calls with news on what's happening at work;
- Inviting your injured worker to attend staff meetings and functions;
- Sending workplace newsletters; and
- Including your injured worker in training days (with medical approval).



## Content of the Return to Work Program

### Your legal obligations

The Return to Work Program must include:

- Your name and the name of your worker;
- A description of the goal of the Return to Work Program;
- The actions to be taken to enable the worker to return to work and who is to take them;
- A statement as to whether the worker agrees to the content of the program.

An employer must take reasonable steps to ensure the action listed in the Return to Work Program is taken in a timely manner.

You should also include:

- The names and contact details of the treating doctor, the insurer and the employer (including the Injury Management Coordinator contact).
- The medical restrictions as noted in the worker's medical certificate.
- A list of duties complying with the medical restrictions that your injured worker can undertake.
- The injured worker's proposed days and hours of work while on the program.
- Space for parties to sign to indicate their agreement to the program.
- The contact person for the injured worker should they have any difficulties or questions regarding the program (generally the Injury Management Coordinator).
- A date for review of the program.

A Return to Work Program template is provided at page 36 of this Guide. The template is also available from the WorkCover WA website at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) under *Returning to work > Return to work programs*.

## STEP 3

### Helping the worker return to work



#### Including your injured worker in the Return to Work Program development

Allowing your injured worker to have a say on what will work best for them encourages commitment to the Return to Work Program and improves the likelihood of its success. Listen to your worker's suggestions and any concerns they may have. Incorporate their input wherever possible while being clear about the options available.

It is also important to communicate with the treating doctor when developing the Return to Work Program to ensure that any medical restrictions are fully taken into consideration.

If you and the injured worker are unable to agree on the program, discuss the issue with your insurer and consider organising a case conference with the worker and the treating doctor.

Where a worker unreasonably refuses to participate in a Return to Work Program, you may make an application to Dispute Services to intervene.

WorkCover WA's Customer Assistance Unit (CAU) can provide guidance and assist in organising case conferences and resolving issues. Contact the CAU on **1300 794 744**.

### 3.2 Specify the return to work goal

The return to work goal describes what the injured worker will be doing when they have returned to their best possible work capacity. A goal provides clarity and ensures parties are working to a common focus.

You, the doctor and the injured worker should participate in the establishment of the goal which must be included in the Return to Work Program. Most goals are determined after considering the treating doctor's estimation of the injured worker's capacity for work once they have reached their highest level of recovery.

If medically appropriate, the first preference should always be for an injured worker to return to the same job and employer they were working with at the time of injury.

Sometimes, due to the nature of the injury or other circumstances, this is not possible. The following table lists, in order of preference, how return to work goals should be considered.

#### Preferences for Return to Work Program goal:

- Return to work with the same employer in the same job;
- Return to work with the same employer in a modified job;
- Return to work with the same employer in a new job;
- Return to work with a new employer in a new job;
- Other workplace rehabilitation options.

If your injured worker is not able to return to the same job with the same employer additional assistance may be required. At this point you should consider the need for referral to an Approved Workplace Rehabilitation Provider if not already involved.

In some cases a return to work goal may change. This may be due to new medical information, or the worker has commenced a Return to Work Program but is not able to perform the duties. When this happens the goal should be reviewed and the Return to Work Program amended to reflect the goal.

## STEP 3

### Helping the worker return to work

#### Your legal obligations

The employer must provide an injured worker with their pre-injury job, if it is reasonably practicable, or another job comparable in status and pay to the worker's pre-injury position for which they are qualified and capable of performing. This requirement applies for a 12-month period from the day the worker becomes entitled to receive weekly compensation payments.

For the purposes of calculating the 12-month period, any period of total capacity for work is not to be included.

#### 3.3 Identify alternative, modified or restricted duties ('suitable duties')

Alternative, modified or restricted duties may be required to assist a worker to return to work, depending on the severity of their injury and their progress. These are known as 'suitable duties'. The prompt identification of suitable duties can be critical to ensure a positive outcome for the injured worker and the employer.

The benefits of having a worker return to work on suitable duties include:

- Maintaining a return to work focus for the worker and employer;
- Retention of the skills, knowledge and experience of the worker; and
- Prevention of the worker feeling isolated from the workplace.



### How to identify suitable duties

Act promptly to identify suitable duties following an injury. Consider the worker's education, skills and experience and avoid token or demeaning work, or work that is otherwise inappropriate to the skill level of the worker. Try to find duties that will maintain the worker's association with their usual work area. Keep co-workers informed and discuss any impact the suitable duties may have on their roles. In addition:

- Familiarise yourself with the worker's pre-injury role. The worker's supervisor or immediate manager are best placed to assist with this and can offer suggestions on how to organise duties to fit current work routines and schedules.
- Apply the restrictions contained in the medical certificate.
- Have the worker undertake as much of their normal role as medically possible.
- Gain agreement for the suitable duties from the worker and the doctor.
- Document the duties clearly in the Return to Work Program.

**The injured worker's Return to Work Program should comply with the conditions and restrictions outlined in the most recent medical certificate from the treating doctor.**



## STEP 3

### Helping the worker return to work

#### Things to consider in identifying suitable duties

##### Key physical demands

Consider the key physical demands of each task. For instance, making a bed may require standing, bending and using both arms while digging a hole may require standing, repetitive bending, twisting of the trunk and lifting weights. Compare these demands with the injured worker's medical certificate information.

##### The work environment

The environment that the injured worker will be working in should also be considered. For instance working on rough ground, working at heights, working alone and working in unfamiliar areas may all affect the worker's ability to undertake specific tasks.

##### Restricting duties – the amount of work

Consider the following in respect to the injured worker when structuring suitable duties to optimise the effectiveness of the Return to Work Program:

- The number of hours the worker can perform;
- When and how often they should take breaks (if needed);
- How long they should perform each task for;

- How much work they should achieve in a specific time period;
- What days they should work;
- What time they should start and finish work.

##### Modifying duties

It may be appropriate to have the worker perform their normal job but in a different way. This can include assistance from equipment or modifications to the work environment. For instance, if a worker has a knee injury that makes it difficult to stand for long periods, providing a chair so they can work sitting down could be a solution. Changing the schedule of work tasks is another form of modifying duties.

##### Providing suitable duties

Suitable duties should be meaningful and where possible connected to the role that the worker will be returning to once they have reached their best level of recovery. A worker may undertake any combination of alternative, modified and normal duties.

If the worker must learn new skills to carry out the suitable duties, consider the worker's aptitude for learning and gain medical approval for the training required.

**Suitable duties register**

You may consider compiling a register of all workplace duties and then listing the key physical demands of each. This register can help identify the suitability of a task for a worker with a specific injury. This is commonly known as a 'suitable duties' register.

When the worker sees their treating doctor you can send a list of duties from the register you think may be suitable for the injured worker to perform, along with each duty's key physical demands. Take into account the nature and bodily location of the injury as this will assist the doctor in their return to work decision making.

**When changes need to be made permanently**

A permanent change of duties may be required due to the nature of the worker's injury and/or when the treating doctor has indicated that medical restrictions will be permanent. Carefully consider your ability to accommodate any changes in the long term. Try to anticipate the future impact these changes will have on the injured worker, co-workers and the business, before deciding on a course of action.

## STEP 3

### Helping the worker return to work



#### Carrying out the agreed actions in the Return to Work Program

All actions in the program should state who is responsible for carrying them out and the time frame in which this should happen.

Examples of actions:

- The employer to review the progress of the Return to Work Program in consultation with the injured worker on a weekly basis.
- The employer to inform line managers and co-workers (where appropriate) of any changes to the Return to Work Program before, or at the time changes to the program are to commence.
- The worker to carry out the agreed tasks as described in the Return to Work Program to the best of their ability.
- The worker to attend the treating doctor for review on/or before the agreed review date as noted in the medical certificate.

#### 3.4 Monitor and update the Return to Work Program

Monitor the Return to Work Program and ensure the program is effective and up-to-date. Make any amendment needed in consultation with the worker, and where necessary, with the treating doctor.

##### When updating a Return to Work Program:

You **must**:

- Consult with the injured worker.
- If the update is not one resulting from the treating doctor's recommendation, take reasonable steps to obtain the injured worker's consent.
- Document the changes and provide a copy of this to the injured worker and the treating doctor.

You **should**:

- Provide copies of the revised program to the worker's line manager and keep a copy for yourself.
- Consider the need to organise a case conference with the injured worker and treating doctor if consensus is unable to be reached.
- Keep in mind the Return to Work Program goal. Make sure changes to the program are focused on achieving progress towards the agreed goal.

### How to progress your injured worker's duties

As the injured worker recovers they will have an increased capacity for duties at work. Ways to gradually progress a worker's Return to Work Program include:

- Increase the hours of work they are undertaking;
- Reduce the additional rest breaks or length of rest breaks;
- Reduce the amount of assistance the worker has to complete tasks;
- Require the worker to perform more work in the same time period (increasing the work pace);
- Replace suitable duties with new duties that require an increased level of physical effort.

**It is not necessary to gain approval from the treating doctor for every change to the Return to Work Program.**

A Return to Work Program can have a number of gradual updates of the worker's duties so long as it remains within the medical restrictions.

Other examples of changes that would generally not need medical approval include:

- Changes in the contact details of individuals;
- Changes to start and finish times but with no increase in time worked;
- Changes to the nominated person responsible for an action;
- Other changes to duties that remain within the medical restrictions outlined in the worker's medical certificate.

**Note:** Even minor changes should be documented, preferably in a revised program and copies of the program distributed to the injured worker, the treating doctor and to the line manager.

## STEP 3

### Helping the worker return to work

#### Regular checks of worker progress

##### Informal reviews

It is advisable to carry out an 'in house' check of the Return to Work Program at least once a week. In the early stages of the program you may check the worker's progress even more regularly as this is the time problems are most likely to occur.

##### Formal reviews

Timing of formal reviews is generally determined by the review date on the medical certificate. If the worker is progressing well and you and the worker agree they could do more, then suggest the worker make an earlier appointment to see the doctor to have their medical restrictions reviewed.

If the worker is reporting difficulties with the program and minor changes to the program have not fixed the problem, then the worker should be reviewed by the treating doctor as soon as possible. If appropriate, consider a case conference with the injured worker and the doctor to discuss the issues.

#### 3.5 Communicate with your injured worker and their doctor

Open and honest communication is important in achieving effective injury management.

If communication between parties breaks down, or you foresee a risk that it may, get help as soon as possible. Talk to your insurer or WorkCover WA's Customer Assistance Unit on **1300 794 744** who may be able to assist you in resolving issues.



## What you can expect from other participants in the injury management process

### The injured worker

#### Active participation

Active participation by the injured worker is essential to successful injury management. You have a right to expect your injured worker to take an active role in the planning and execution of their Return to Work Program and make reasonable efforts to return to work.

As soon as you can, let your worker know what you will do to assist them in the management of their injury and return to work. Discuss reasonable expectations for their involvement and cooperation with the injury management process.

It is reasonable to expect that your injured worker will:

- Report any injury early;
- Complete the workers' compensation claim form;
- Provide original copies of their medical certificates in a timely fashion;
- Attend medical and other treatment appointments arranged by the treating doctor, or where permitted, arranged by the employer;
- If unable to attend an appointment, take reasonable steps to make an alternative appointment as soon as possible;
- Communicate with parties in an open and honest manner and reply to reasonable levels of communication without undue delay;
- To the best of their ability carry out agreed actions as outlined in the Return to Work Program;
- Immediately inform the Injury Management Coordinator and their line manager of any difficulties carrying out the Return to Work Program;
- If referred to a workplace rehabilitation service, actively participate in all aspects of the service and work cooperatively with the service provider;
- Advise of any changes in their contact details; and
- Advise of any changes to their treating doctor or other treatment providers.



## Roles and responsibilities



If you and the injured worker are unable to agree on the Return to Work Program or the worker later refuses to cooperate, confirm the return to work direction with the worker in writing. You can contact your insurer who can provide assistance. A case conference could be organised with the worker and the doctor to discuss the issues.

If attempts to seek the worker's cooperation are unsuccessful you may make an application to the Dispute Services to intervene.

You can contact WorkCover WA's Customer Assistance Unit for assistance to organise a case conference and resolve issues on **1300 794 744**.

### The treating medical practitioner

To lodge a workers' compensation claim, the worker requires a First Medical Certificate to be signed by the treating doctor.

The treating doctor will direct medical treatment and review the injured worker's progress on a regular basis. If a Return to Work Program is required, the treating doctor should advise the employer in writing. The treating doctor will review the content of any Return to Work Program based on the medical restrictions they have determined.

The treating doctor should complete a Progress Medical Certificate at each review if the worker is not wholly recovered from the injury. When the worker is wholly recovered from their workplace injury the treating doctor will issue a Final Medical Certificate.

There may be situations when you want to seek another opinion or review of the worker's injury or progress. You can require the worker to undergo a medical examination for the purposes of review by a doctor of your choice and at your expense. These employer arranged medical examinations can be no more frequent than once every two weeks.

### Communicating with the doctor

Most doctors are familiar with the concept of workplace based injury management and are happy to work with you and the injured worker to achieve the return to work goal.

- With the consent of the worker and the treating doctor, you may be able to attend the injured worker's first doctor's appointment. This will enable you to provide an outline of the worker's normal duties and the availability of other suitable duties.
  - If you're not able to speak immediately with the doctor, ask the receptionist for the most convenient times to call back. Leave your details and make sure you are easily contactable.
  - Ask the treating doctor (or the doctor's receptionist) the preferred means of communication. While email is increasingly popular, faxing is still widely used by medical practices for communicating information.
  - Consider providing a letter to the treating doctor with information about the nature of your business, confirmation of your Injury Management System, availability of suitable duties and relevant contact details.
- Organise a case conference (see page 10 of this Guide).
  - Invite the treating doctor to visit your business and review the workplace to familiarise themselves with the nature of your business, your workplace practices and your capacity to offer duties within medical restrictions.
  - Consider developing a relationship with a doctor/medical practice near your workplace.
  - The treating doctor is able to charge a fee for a range of services relating to injury management including telephone conversations, workplace visits and case conferences. Details are available on the WorkCover WA website at **[www.workcover.wa.gov.au](http://www.workcover.wa.gov.au)** under the *Publications & Forms > Rates Fees and Payments* section.

**Note:** Remember your worker has a right to choose their treating doctor and is under no obligation to receive treatment elsewhere.

## Roles and responsibilities



### Your workers' compensation insurer

**You can request your insurer take responsibility for your obligations to establish and implement a Return to Work Program.**

Contact your insurer as soon as possible following a workplace injury. Based on the information you give them they will:

- Determine if the claim should be accepted; and
- Determine the worker's pay rate while they are on workers' compensation and not performing their normal work duties.

Your insurer will be able to provide you with advice on:

- Technical issues specific to the claim;
- You and your worker's rights and obligations;
- Steps to take to ensure your worker's claim is processed without delay;
- Specific strategies for returning the worker to work;
- Any need for extra assistance in returning the worker to work;
- How to gain effective access to medical treatment under the workers' compensation system;
- Other assistance available to you and the injured worker under the workers' compensation system.

Your insurer is required to help you to establish an Injury Management System and a Return to Work Program if you request their assistance. The insurer may also act on your behalf to establish and implement a Return to Work Program if you ask them to. Your insurer will then take a decision making role in the return to work process. If this is something you are considering, talk to your insurer first; find out what they can do for you and what this will mean for your business and your injured worker.

**Employers who sign over their obligation to the insurer for the development and implementation of a Return to Work Program:**

- Still require an Injury Management System to be in place;
- Should continue to remain involved in all return to work decision making and planning; and
- Should remain in regular contact with their insurer.





### The Workplace Rehabilitation Provider

An Approved Workplace Rehabilitation Provider (WRP) can assist you and your injured worker if there are problems with the return to work process. WRPs are commonly health professionals such as occupational therapists, physiotherapists or psychologists who have expertise in addressing the physical, psychological and/or workplace barriers that may prevent an injured worker returning to work.

Early referral to a WRP when there are difficulties improves the likelihood of a successful rehabilitation program. Early indicators for referral to a WRP are:

- Difficulty in identifying suitable duties;
- Nature and severity of injury;
- Difficulty in determining the worker's capacity;
- Other barriers in the workplace that may affect the return to work process.

### When should you refer to a WRP?

A WRP can assist you when:

- The worker is unable to carry out their pre-injury duties and there is a need to identify suitable duties with the same or a new employer.
- A practical assessment of a worker's capacity is needed to assist in the return to work (i.e. when there are conflicting opinions of the worker's physical or psychological capacity to return to work, or there are reports of ongoing symptoms when the worker is at work).
- The injured worker is experiencing problems associated with returning to work (e.g. the worker may be anxious about returning to a particular work area or job).
- Modifications to the workplace, or aids and equipment are required to assist the worker return to work (i.e. where an injured worker is restricted while recovering from major surgery or there are multiple injuries).
- There is a need to assess the suitability of a Return to Work Program with a new employer, if this is identified by the injured worker, employer and treating doctor as the new rehabilitation goal.
- There is a need to determine whether retraining should be provided.

### How is a referral made to a WRP?

Any party can initiate a referral to a WRP. However, to comply with their conditions of approval, the WRP must ensure the injured worker, the employer, and the worker's treating doctor all agree to the referral. A template referral form is available on the WorkCover WA website at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) under *Returning to Work > Workplace rehabilitation providers*. A referral may also be on the worker's First Medical Certificate or Progress Medical Certificate.

Employers and treating doctors should be aware that injured workers have the right to choose their WRP.

If your insurer is nominated to act on your behalf to establish and implement a Return to Work Program they may organise a referral for an assessment by a WRP.

A list of accredited WRPs is available on the WorkCover WA website at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) under *Service Providers > Workplace rehabilitation providers*.



### Approved Workplace Rehabilitation Provider services

Types of services that WRPs are able to deliver are listed on the WorkCover WA website at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) under *Service Providers > Workplace rehabilitation providers*. WRPs can provide a program of services or single specific services. Where more than one service is to be provided the WRP must describe the delivery of these in a service delivery plan.

- **An initial assessment and ongoing workplace rehabilitation**

The WRP will undertake an initial assessment to ascertain the worker's current status, the nature of their work duties and work environment and any barriers to a successful return to work. To do this they will, at a minimum, visit and review the worksite and communicate with the injured worker, the treating doctor and the employer.

If the assessment indicates that vocational rehabilitation services are recommended, the provider should discuss the findings with the employer, the injured worker and the treating doctor. Any recommended services will then be outlined in a service delivery plan, which must be signed by the worker and agreed to by the employer and treating doctor before being implemented.

- **A specific service**

A specific service can assist at different stages of the return to work process. A common example of a specific service is referral for analysis and design of job duties.



The following templates and information are provided to make it easier for you to comply with the law and have a safer and more productive workplace.

### STEP 1 – Prepare your workplace

- Injury Management System template (Page 34 of this Guide).
- The Code of Practice (Injury Management) 2005 (available from the WorkCover WA website under *Service Providers > Workplace rehabilitation providers* at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au)).

### STEP 2 – Dealing with an injury

- Workers' compensation claim form (available from the WorkCover WA website under *Employers > Managing claims & return to work* at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au)).
- How to identify and develop suitable duties (see page 19 of this Guide).

### STEP 3 – Helping the worker return to work

- Template for a Return to Work Program (See page 36 of this Guide).

## Injury Management System Template

### Injury Management System

(Insert Employer/Business Name)

#### Injury Management Policy

(The employer) is committed to assisting injured workers to return to work as soon as medically appropriate and will adhere to the requirements of the *Workers' Compensation and Injury Management Act 1981* in the event of a work related injury.

Management supports the injury management process and recognises that success relies on the active participation and cooperation of the injured worker. Whenever possible, suitable duties will be arranged internally having regard for the injured worker's medical restrictions.

#### Aim of the Injury Management System

To provide the best possible response to the management of workplace injuries, so injured workers can remain at work or return to work at the earliest appropriate time.

#### Injury Management steps

**When there is an injury at work (the employer) will:**

1. Take all necessary action to provide the injured worker with immediate first aid and access to appropriate medical assistance. *(Include details of the responsible person or first aid officer).*
2. Inform appropriate parties as soon as possible. *(Include contact details of workers' compensation insurer and other key parties).*
3. Inform the worker of the need to gain a First Medical Certificate.
4. Supply the worker with a workers' compensation claim form.
5. Assist the worker to complete the claim form.
6. Lodge the First Medical Certificate and claim form with the insurer within five working days.
7. Maintain close contact with the injured worker to check on progress and make arrangements for the worker to remain at work or return to work as soon as medically appropriate.

## Injury Management System Template (continued)

- 8. Prepare a Return to Work Program, in consultation with the treating medical practitioner and the injured worker, when required.
- 9. Refer the worker to a workplace rehabilitation<sup>1</sup> provider when required.
- 10. Monitor progress towards the return to work goal.
- 11. Communicate regularly with the insurer in relation to the injured worker's claim.

### Day-to-Day Management

The person who has day-to-day responsibility for injury management is\*:

Name: \_\_\_\_\_

Contact details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* This is either the person who has overall responsibility for injury management or responsibility for a specific workplace site.

<sup>1</sup> For the purposes of this System the term 'workplace rehabilitation' means 'vocational rehabilitation' as defined in the *Workers' Compensation and Injury Management Act 1981*.

# Toolbox for employers

## Return to Work Program

### Worker Details

Worker Name: \_\_\_\_\_ Claim No: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (home): \_\_\_\_\_ Telephone (work/mobile): \_\_\_\_\_

Email: \_\_\_\_\_

Position Title: \_\_\_\_\_ Section: \_\_\_\_\_

### Employer Details

Employer/Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Telephone (work/mobile): \_\_\_\_\_

Email: \_\_\_\_\_

Person coordinating return to work program: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

### Insurer Details

Name of Insurer: \_\_\_\_\_

Address: \_\_\_\_\_

Contact person: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

### Medical Details

Name of Treating Medical Practitioner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Facsimile: \_\_\_\_\_

Email: \_\_\_\_\_

Return to Work Program (continued)

Work restrictions on the current medical certificate (if any):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Review by Treating Medical Practitioner:   /   /

**Program Details**

**Return to Work Goal**

- Same Employer/Same Job
- Same Employer/Modified Job
- Same Employer/New Job
- New Employer/New Job
- Other Workplace Rehabilitation<sup>1</sup> Options

Start Date:   /   /

Review Date:   /   /

Week	Date	Hrs of work	Duties	Restrictions

<sup>1</sup> For the purposes of this Program the term 'workplace rehabilitation' means 'vocational rehabilitation' as defined in the *Workers' Compensation and Injury Management Act 1981*.

# Toolbox for employers

## Return to Work Program (continued)

### Actions to be completed to enable the injured worker to return to work

Action	Person Responsible	Completion/ Review Date

### Vocational Rehabilitation Details

**Note:** *These details are only included if the worker, the employer and the treating medical practitioner have agreed to a referral to an approved workplace rehabilitation provider.*

Name of Approved Workplace Rehabilitation Provider: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Referral:   /   /

### Agreement by Parties at the Workplace:

I agree to the content of this Return to Work Program.

**Worker's Signature:** \_\_\_\_\_ Date:   /   /

**Employer's Signature:** \_\_\_\_\_ Date:   /   /

Name of person signing on behalf of employer: \_\_\_\_\_

Position: \_\_\_\_\_





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