

## Employer attendance at medical consultations

## Notice

### ***This Notice clarifies requirements relating to worker choice of treating medical practitioner and employer attendance at medical consultations***

**WorkCover WA** is often asked about an injured worker's rights when an employer directs them to attend an employer nominated medical practitioner at the outset of a workers' compensation claim. In addition there have been instances of employers insisting on attending a medical consultation with the worker's treating medical practitioner.

#### **Worker choice of treating medical practitioner**

Injured workers have the right to choose their own treating medical practitioner for the purpose of medical treatment and initiating a workers' compensation claim.

Employers may recommend a medical practitioner to the worker. However, an employer or insurer should not require or coerce an injured worker to attend a medical practitioner nominated by them for the purpose of medical treatment of a workplace injury and the worker obtaining certification for claiming compensation.

There are alternative legislative arrangements for medical review of workers by a medical practitioner nominated by the employer or insurer.

#### **Employer attendance at medical consultations**

There is no legal or operational basis for employers or their representatives to be present during a medical consultation between an injured worker and a treating doctor. This applies even when treatment is recommended or facilitated by the employer.

Employers have a legitimate interest in the health and safety of their workforce and may well offer to assist workers seek immediate medical treatment. Employers are also interested in injured workers' capacity for work and return to work options, which may involve interaction with medical practitioners.

However this does not extend to being present in the medical consultation between the worker and the treating medical practitioner.

There are alternative arrangements for engaging with the worker's treating medical practitioner without compromising a worker's privacy, including contact with the medical practitioner following the consultation or through case conferences.

#### **Case conferences**

Case conferences, and less formal telephone conversations, are the appropriate forum for employers to engage in discussion on return to work issues with the injured worker's treating medical practitioner.

A case conference is a planned and collaborative approach to discuss a worker's recovery, capacity to work and to develop a 'Return to Work Program'. Case conferences are not medical consultations but are meetings which encourage open communication between parties in the return to work process.

A case conference can occur face-to-face, by phone or teleconference between those involved in the injury management process, including the worker, employer and treating medical practitioner.

#### **Resources**



Advice and Assistance line  
1300 794 744



Case conferences video on  
WorkCover WA's website



Case conferences template on  
WorkCover WA's website