

Return to Work Case Conferences

The *Workers Compensation and Injury Management Act 2023 (WCIMA23)* requires a worker's attendance at a return to work case conference which must be conducted in accordance with the *Workers Compensation and Injury Management Regulations 2024 (WCIMR24)*.

Key Points

Act ref: s. 163, 164, 165 Reg ref: regs 81, 82, 83

- The *WCIMA23* provides for workers with an incapacity to attend, participate, and cooperate in a return to work case conference if arranged by the employer, employer's insurer, a workplace rehabilitation provider or the worker's treating medical practitioner.
- When arranging a case conference, it is a requirement to give notice setting out the time and place of the conference and if the worker needs to attend in person or by other means.
- The *WCIMR24 sets out:*
 - a worker cannot be required to attend more frequently than once every four weeks, unless arranged by the worker's treating medical practitioner
 - the conduct of a case conference
 - matters that can be discussed at case conferences
 - persons who may attend or participate in case conferences
 - other matters relevant to case conferences
- A return to work case conference cannot be utilised for the purpose of obtaining a medical examination or medical report about a worker's condition or incapacity for liability purposes - there are other arrangements that provide for medical review for liability purposes.
- A worker may have a support person attend a return to work case conference. The support person must not participate in the conference.

Questions & Answers

Q. What will happen if a worker refuses to cooperate in a case conference?

A. An arbitrator may order the worker to cooperate in a return to work case conference. Failure to comply without a reasonable excuse may result in the suspension of income compensation and continued refusal can result in the termination of income compensation. An employer or insurer cannot unilaterally suspend or discontinue compensation if a worker fails to attend a case conference and must receive an order from an arbitrator to do so (s. 164).

Q. Is there an approved form from giving notice of a return to work case conference?

A. There is no approved form for the notice, but it must set out the time, place and type of conference. The person arranging the conference should provide reasonable notice to the injured worker to ensure the worker is able to attend and participate.

Q. Can I still utilise medical or health service case conferences?

A. Yes. A medical or health service case conference has the aim of planning, implementing, managing or reviewing treatment options and/or a rehabilitation plan. It is not mandatory for a worker to attend a medical or health service case conference and there are no restrictions on what may be discussed. The legislative and procedural requirements with respect to return to work case conference do not apply to medical or health service case conferences.