

Return to Work Case Conferences

The **WCIMA23** provides for a new obligation requiring a worker's attendance at a return to work case conference, which is aimed at supporting a worker's recovery and enhancing opportunities for return to work.

Key Points

Act ref: s. 165

- The **WCIMA23** provides for workers with an incapacity to attend, participate, and cooperate in a 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 will be 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.
- Regulations may prescribe:
 - the maximum number of times and frequency a worker must participate in case conferences
 - 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 will not 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 provisions that provide for medical review for liability purposes.

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.

