

## Return to Work Programs

The *Workers Compensation and Injury Management Act 2023 (WCIMA23)* provides for the establishment and implementation of return to work programs and the *Workers Compensation and Injury Management Regulations 2024 (WCIMR24)* sets out the processes to be followed.

### Key Points

Act ref: ss. 160-161, Reg ref: Part 5

- An early return to work is the best possible outcome for injured workers and employers.
- Return to work programs assist injured workers to return to work in a timely, safe and durable way.
- Employers have obligations to establish return to work programs for partially incapacitated workers, or when required by the worker's treating medical practitioner.
- Injured workers also have obligations to participate and cooperate in return to work programs.
- A one-size-fits-all prescriptive approach to return to work programs is not appropriate given the significant variation in the nature and extent of injuries and workplaces but a return to work program must be implemented in accordance with the *WCIMR24*.
- Return to work programs must be in the approved form IM1 *Return-to-work program*, published on the WorkCover WA website
- An arbitrator may order an employer or worker to comply with their return to work program obligations, if required.

### Questions & Answers

**Q. Is it necessary to consult the injured worker in the establishment of a return to work program?**

**A.** Yes. A return to work program must, as far as reasonably practicable, be established in consultation with the worker.

**Q. Does a worker have to participate in a return to work program?**

**A.** Yes. A worker must also participate and cooperate in the establishment of a return to work program and comply with any reasonable obligations placed on the worker under the return to work program (s. 163)