

Injury Management Obligations - Worker

The *Workers Compensation and Injury Management Act 2023 (WCIMA23)* sets out an injured worker's return to work and injury management obligations.

Key Points

Act ref: ss. 5, 163, 164, 165

- Return to work programs assist workers to return to work in a timely, safe and durable way. Employers must establish and implement return to work programs in accordance with the requirements set out in Division 2, Subdivision 1 of the *Workers Compensation and Injury Management Regulations 2024*.
- A worker is required to:
 - make reasonable efforts to return to work in cooperation with the employer
 - participate in and comply with reasonable obligations under a return to work program or workplace rehabilitation
 - provide each progress certificate of capacity to the worker's employer and insurer within seven days of receipt. See *Information Sheet 30*.
 - attend and participate in return to work case conferences. See *Information Sheet 32*.

Questions & Answers

Q. What happens if a worker fails to comply with injury management obligations?

A. An arbitrator may compel a worker to comply with the return to work or injury management obligation, or can order payment of income compensation be suspended, unless there is a reasonable excuse. If a worker continues to fail to comply with the obligation for one month after payments are suspended income compensation may be terminated. An employer or insurer cannot unilaterally suspend or discontinue compensation (s164).