



# Return to work – employer obligations

Has an injured worker's treating medical practitioner certified the worker partially fit to work with modified duties or hours? If so, you as the employer are required to develop a **return to work program** to assist the worker return to work.

Input will need to be sought from the worker about the details of the program such as the duties to be undertaken while they recover and any concerns they may have. This may be done through a return to work case conference or a workplace meeting.

You or your insurer may also choose to engage an approved workplace rehabilitation provider to assist in the return to work process.

You must provide an injured worker with their pre-injury position, if reasonably practicable, or a suitable position comparable in status and pay to the worker's pre-injury position for which they are qualified and capable of performing.

This requirement applies for a 12-month period from the day the worker becomes incapacitated for work as a result of the injury.

## What is a return to work program?

A return to work program is a program for assisting an injured worker to return to work in a timely, safe and durable way.

A return to work program that is required to be established and implemented by an employer must be in the approved form as published on WorkCover WA's website.

## What return to work obligations apply?

You must ensure that an injury management system is established and implemented in relation to workers you employ.

You must also ensure that a return to work program is established for a worker as soon as practicable after the earliest of the following:

a) The day on which the worker's treating medical practitioner issues a certificate of capacity to the effect that the worker is partially incapacitated for work.

- b) The day on which the worker's treating medical practitioner advises the employer in writing that a return to work program should be established for the worker.
- c) The day on which an arbitrator determines, or the parties agree, that the worker has suffered an injury in respect of which compensation is payable, and is partially incapacitated for work.

If required to establish a return to work program for a worker, you must give the worker an opportunity to participate in its establishment and take reasonable steps to ensure the worker agrees with the content.

An amendment to the return to work program will be required if a worker's treating medical practitioner amends a certificate of capacity or modifies in writing the restrictions on the work that the worker is considered capable of doing.

Copies of the return to work program, or amended return to work program, must be given to the worker and the worker's treating medical practitioner.

## Supporting your worker

There are a number of things you can do to help your worker recover and return to work as soon as possible:

- disclose your workplace injury management system and who is nominated as the injury management coordinator
- make or stay in contact with your worker
- engage your worker and treating medical practitioner in return to work planning
- ensure any return to work program relating to duties and restrictions is consistent with the worker's treating medical practitioner's certificate of capacity
- actively participate in meetings or return to work case conferences and in developing or reviewing return to work programs.

## Need further assistance?



Call WorkCover WA's Advice and Assistance Service on  
**1300 794 744** (8:30am to 4:30pm, Monday to Friday)



Visit [workcover.wa.gov.au](http://workcover.wa.gov.au)

