



Return to work – worker obligations

Has your treating medical practitioner certified you partially fit to work with modified duties or hours? If so, your employer is required to develop a **return to work program** to assist you return to work.

You are required to participate and cooperate in the establishment of a return to work program.

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

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

Employers 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?

Important return to work obligations you have as a worker include:

- cooperating with your employer and making reasonable efforts to return to work
- participating and cooperating in the establishment of a return to work program
- complying with reasonable obligations under a return to work program or obligation to undertake workplace rehabilitation
- participating and cooperating in any return to work case conference, if requested (no more frequently than once every four weeks)
- providing each progress certificate of capacity to your employer or your employer's insurer within seven days of receipt (unless your treating medical practitioner has already provided the certificate to your employer or insurer directly).

What happens if I fail to comply with an obligation?

Your employer or insurer may apply for an order of a WorkCover WA arbitrator if you refuse or fail to comply with a return to work obligation.

A WorkCover WA arbitrator may order you comply with the return to work obligation, and can order payment of income compensation be suspended, unless there is a reasonable excuse.

Supporting your recovery

When your treating medical practitioner certifies you with a capacity to work suitable (or modified) duties and/or hours, there are a number of things you can do to help your recovery and workplace participation:

- find out about your employer's injury management system and who is nominated as the injury management coordinator
- make or stay in contact with your employer (including the nominated injury management coordinator)
- communicate with your treating medical practitioner and your employer about what you think you can do at work
- actively participate in meetings to develop or review your return to work program
- talk to your treating medical practitioner about what is expected with your recovery (who have you been referred to, for what reason, what should be the outcome and when?)
- provide feedback about how you are going to those people supporting your recovery and return to work, including your:
 - treating medical practitioner
 - employer (i.e. supervisor and injury management coordinator)
 - workplace rehabilitation provider
 - other treating health practitioner.

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

