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FOR CONSULTATION

Accredited rehabilitation and return to work program guideline – for insurers

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For consultation

1. Introduction

An accredited rehabilitation and return to work program (ARRTW program) is developed by an insurer and is a summary of the system that will be used to manage the rehabilitation and return to work of workers with work related injuries or illnesses, or to maximise their independent functioning. An ARRTW program explains how an insurer will facilitate early rehabilitation and return to work and provides clear guidance to claims managers, employers and workers.

All Queensland insurers must have an ARRTW program under the requirements of *the Workers' Compensation and Rehabilitation Act 2003* (the Act). Insurers are responsible for developing their own ARRTW program and must submit it for accreditation by the Workers' Compensation Regulator.

WorkCover Queensland submits their ARRTW program annually for accreditation. For self-insurers, their ARRTW program is accredited for the period of their licence.

The purpose of an ARRTW program of the insurer is to assist injured workers achieve the best possible outcome following a work-related injury, with the primary objective of achieving a safe and durable return to work.

An ARRTW program establishes how you, the insurer, will facilitate early rehabilitation and return to work. It must address how you will manage return to work processes for both statutory and common law claims. It must detail:

- what will happen if a worker experiences an injury and makes a claim;
- roles and responsibilities for the rehabilitation and return to work process;
- how workers can access and participate in the ARRTW program;
- how you will provide reasonable services to support workers to access early intervention for psychological or psychiatric injuries
- how workers will be supported by the ARRTW program, including the strategic approach to managing their individual rehabilitation and return to work plans (RRTW plans¹) and;
- how you will measure and evaluate the effectiveness of the ARRTW program.

This guideline outlines the minimum requirements you must meet to have your ARRTW program accredited by the Workers' Compensation Regulator.

Note, terms and words used in this guideline have the same meaning as defined under the Act.

Further information relating to definitions is in the *Overview of rehabilitation and return to work document*.

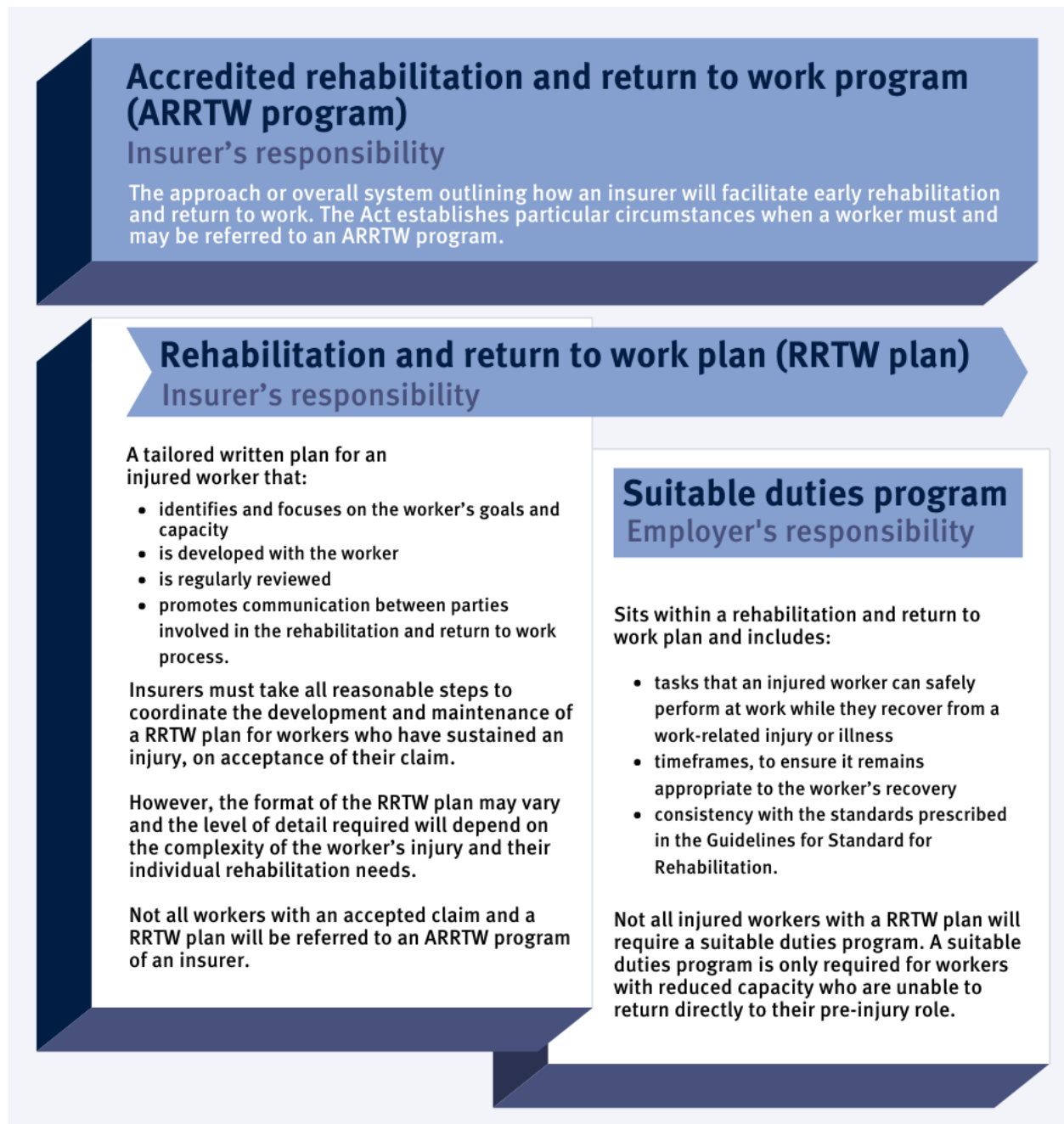
¹ To understand more about RRTW plans and for a checklist of elements of a RRTW plan, refer to the *Rehabilitation and return to work plans guideline – for insurers*.

2. Rehabilitation and return to work process

Under the Act, insurers and employers have distinct and separate responsibilities for supporting workers who sustain a work-related injury to return to work.

There is an expectation that a self-insurer maintains structural separation of these obligations.

The responsibilities of the insurer and employer, and how these interact, are outlined below:



Note: The following updates will be made to the diagram above during design:

We will add a third box outlining worker responsibilities:

1. Report concerns, difficulties or increases in symptoms to the Insurer claims manager.
2. Take part in all rehabilitation designed to assist their recovery.
3. Participate in planning their return to work with their employer.
4. Ensure they understand their obligations.

We will link key documents for insurers and employers in their respective boxes.

Section 220 of the Act places obligations on insurers to facilitate and support rehabilitation and return to work:

- An insurer must take all reasonable steps to secure the rehabilitation and early return to suitable duties of:
 - a) workers who have an entitlement to compensation; and
 - b) workers who are participating in its AARTW program (s220[1]).

Section 220 also establishes when an injured worker *must* and *may* be referred to an insurer's ARRTWP:

- Insurers *may* refer a worker who is receiving compensation for an injury to its ARRTW program (s220[2][a]).
- Insurers *must* refer a worker who is receiving compensation for an injury, and has asked the insurer to be referred to a rehabilitation and return to work program, to its ARRTW program (s200[2][b]).
- Insurers *must* refer a worker who has stopped receiving compensation and has not returned to work because of their injury, to its ARRTW program (s220[2][c]).

An insurer is not required to refer an injured worker to its ARRTWP if the insurer is satisfied that its ARRTW program is not able to further assist the worker with their rehabilitation (s220[3][a]).

Workers are entitled to remain in the insurer's ARRTW program until:

- a) the insurer is satisfied the worker is unwilling or unable to participate in the program;
- b) the insurer is satisfied the program is not able to further assist the worker with rehabilitation for the injury;
- c) the worker receives a payment of damages for the injury;
- d) the worker receives a redemption payment for the injury;
- e) the worker receives compensation for the injury for 5 years (s220[4]).

Insurers must provide written reasons to workers if they decide not to refer them to their ARRTW program. Workers may lodge a review with the Workers' Compensation Regulator if they're not referred to their insurer's ARRTW program, or if their insurer decides they're no longer entitled to participate in the ARRTW program (s220[6][a][b]).

Insurers must also take all reasonable steps to coordinate the development and maintenance of a rehabilitation and return to work plan for workers who have sustained an injury (s220[5]).

Please note:

In many cases, these requirements apply when a worker is unable to return to a role equivalent to their pre-injury role and their claim is closed, but they still require assistance to transition into a new job/role.

In practice, a referral to the insurer's ARRTW program may involve a referral to a workplace rehabilitation provider (WRP), who will develop a plan tailored to the individual worker, detailing how they will assist the worker in their rehabilitation now their claim has closed.

In instances where a worker with a current claim and RRTW plan is referred to an ARRTW program, this may appear as a strategy or action in the worker's RRTW plan (e.g. *Referred to AARTW program and working with WRP*).

3. Mandatory criteria for an insurer's ARRTW program to be accredited

3.1 General guidance

For your ARRTW program to be accredited, you will need to have systems in place to address and support rehabilitation and return to work activities.

Your ARRTW program should:

- provide sufficient detail to simply and clearly explain to workers how you manage and facilitate early rehabilitation and return to work;
- be written clearly and explain how you will ensure it can be understood by all workers (e.g. you will arrange an interpreter if/when required; you will provide access to a screen reader for a visually impaired worker, etc.);
- be presented as one document with any referenced or supporting information included in the one document;
- be easily accessible—either publicly available for transparency or made available on request to all workers (and their representative or support person [this may be their supervisor] at the worker's request).

3.2 ARRTW program criteria

To demonstrate you are taking all reasonable steps to secure early rehabilitation and return to work for injured workers, your ARRTW program must address the following criteria:

Leadership and culture

Your ARRTW program must include evidence of your commitment to:

- Aligning rehabilitation and return to work outcomes to your strategic objectives for timely, safe and durable return to work.
- Promoting awareness of the program and its benefits to workers (and their representative or support person [this may be their supervisor] at the worker's request) (e.g. via intranet, staff newsletters, induction materials, and during the claims/RRTW process).
- Contacting workers and offering assistance as early as possible to minimise harm.
- Maximising a worker's independent functioning following an injury.
- Facilitating early rehabilitation and return to work opportunities for workers.
- Implementing the [health benefits of good work](#) and [evidence-informed practices](#) in all return to work planning.
- Meeting legislative requirements relating to rehabilitation and return to work.
- Applying the return to work hierarchy (see Division 7, section 40 of the Act).

Rights and responsibilities

Your ARRTW program must clearly define:

- What services a worker can access as part of the ARRTW program.
- The worker's rights within the ARRTW program. The roles and responsibilities for key stakeholders participating in the program, aligned to the Act (may include the worker; employer and/or direct supervisor; insurer; rehabilitation and return to work coordinator; health and safety officers; treating health providers; worker's family, legal or union representatives and support person; and health and safety representatives). See the *Overview of rehabilitation and return to work* document for guidance.

- How you will meet your responsibilities for providing reasonable services to support workers to access early intervention for psychological or psychiatric injuries.
- How workers will be informed of their right to seek a review if/when you refuse to refer them to the ARRTW program or if they are no longer entitled to participate in the ARRTW program.
- How you will address workplace risks identified by an injured worker so that the incident or task can be investigated and the injured worker assured that their concerns have been addressed.
- Who (third-party provider or insurer) will deliver the ARRTW program (or parts of the program) and the details of this arrangement, including appointment processes, timeframes, and how effectiveness will be measured.

Communication and collaboration

Your ARRTW program must include evidence that:

- You will communicate about the RRTW program and decisions about the worker's participation to the worker (and their representative or support person [this may be their supervisor] at the worker's request).
- You will inform workers of their rights within the ARRTW program.
- It can be understood by all workers (e.g. you will arrange an interpreter if/when required; you will provide access to a screen reader for a visually impaired worker, etc.). You will handle and protect workers' private information (in line with Australian [Privacy Principles](#)).

Decision making and dispute resolution

Your ARRTW program must provide evidence of:

- How insurer staff will handle an issue or dispute raised by a worker participating in the ARRTW program.
- Decision making processes (evidenced by information on case files) and how procedural fairness and natural justice will be ensured.
- The assessment process to determine if the ARRTW program is not able to further assist the worker.
- Who workers can contact if they have concerns relating to the ARRTW program (e.g. via their claims manager, escalating to the Manager of the claims team or the licence manager in the first instance, and channels available to make a complaint or provide feedback), and how to contact the [Workers' Compensation Regulator](#).

Measurement and evaluation

Your ARRTW program must provide evidence of:

- How you will measure and evaluate the effectiveness of your ARRTW program strategies (for example: monthly review of performance indicators for stay at work, return to work, average days to first RTW, final return to work outcome).
- The data you will use to measure the success of RRTW outcomes of workers participating in the program.
- The methods you will use to review and evaluate performance data annually, to facilitate continuous improvement.
- The training competencies and/or suitable experience of claims staff involved in managing ARRTW program activities, and the supports available to these staff.
- If external providers are engaged to perform functions on your behalf, appointment information (contact details; timeframe of their appointment; their role; level of engagement with the worker) and details relating to how their services will be measured and evaluated, and how workers can raise concerns if necessary.

3.3 Rehabilitation and return to work plans

Your ARRTW program should specify how you will identify individual worker's needs and manage a worker's individual rehabilitation and return to work.

You must document this information in the worker's individual rehabilitation and return to work plan (RRTW plan).²

Your ARRTW program must meet the following criteria in relation to RRTW plans:

Assessment of RRTW needs

An assessment of RRTW needs provides information about the worker's injury, fitness to remain at or return to work and recommendations to support a safe and early return to work. Where the worker is assessed as capable of undertaking a rehabilitation program, recommendations will be made regarding the program the worker can undertake, program goals, services required, and timeframes.

Your ARRTW must explain:

- When to refer for the assessment of RRTW needs:
 - Requires varying degrees of consultation depending on the complexity of the case.
 - For all time lost claims, consider referring assessment of RRTW to a suitable qualified person (e.g. Certificate 4 in case management) if the insurer claims manager is not suitably qualified.
 - For time lost claims greater than two weeks' duration, RRTW assessment by a suitably qualified person is strongly recommended.
- What should usually be included in an assessment of RRTW needs, e.g:
 - An interview with the employee.
 - Documentation of the rehabilitation assessment and examination findings.
 - A written report containing recommendations about the rehabilitation program.
 - For further suggestions for inclusions, see Comcare's [Rehabilitation case manager handbook](#), p. 25.

Leadership and culture

Your ARRTW program must explain:

- How you will ensure that a written, tailored RRTW plan is developed for every worker (note: the format of the plan may vary, and the level of detail required will depend on the complexity of the worker's injury and their individual rehabilitation needs. See the *Rehabilitation and return to work plan guideline – for insurers* for more information).
- Your process for developing and documenting a RRTW plan for every worker.
- How the return to work hierarchy is considered when developing each RRTW plan.
- How you will ensure the worker's individual needs and goals are identified, reviewed and updated to remain a central focus of the RRTW plan.
- How you will implement strategies to minimise and eliminate any identified RTW barriers.

Rights and responsibilities

Your ARRTW program must explain how a workers' individual RRTW plan will:

- Inform the worker of their rights relating to participating in their RRTW plan, noting that the worker has the right to choose their own treating health providers, and does not need to attend the company doctor for treatment.

² To understand more about RRTW plans and for a checklist of elements of a RRTW plan a matrix to assist in determining the level of detail required in assessing RRTW needs and developing a RRTW plan, refer to the *Rehabilitation and return to work plans guideline – for insurers*.

- Inform the worker the roles and responsibilities of each party involved in the RRTW plan.
- Detail whether an external provider/s is engaged to assist in developing or implementing the RRTW plan.
- Detail the role of the employer in implementing the RRTW plan (in line with Principle 3 of the [Guidelines for standard for rehabilitation \(second edition\)](#)). These guidelines establish seven principles to assist employers to meet their obligations for rehabilitation under the Act and provide information around how the responsibilities of insurers and employers interconnect.

Communication and collaboration

Your ARRTW program must:

- Explain how you will engage with all relevant stakeholders, including the worker, their treating providers and employer, in developing and implementing the RRTW plan.
- Detail how you will consult with all relevant stakeholders to reach agreement on key milestones of the RRTW plan, and how you will document this process.
- Detail how and when you will report on the progress of the RRTW plan to the worker, their representative or support person (at the worker's request) and other relevant stakeholders.
- Explain how you collaborate with the worker at the earliest opportunity to identify enablers and barriers to rehabilitation and return to work and strategies to address barriers.
- Provide evidence that you will inform the worker of the privacy of their RRTW plan, in line with the Australian [Privacy Principles](#).
- Explain how the worker (or their employer) can raise any concerns about their individual RRTW plan with you (e.g. via their claims manager, escalating to the Manager of the claims team or the licence manager in the first instance, and channels available to make a complaint or provide feedback), and how to contact the [Workers' Compensation Regulator](#).

Measurement and evaluation

The ARRTW program must explain:

- How you will monitor to ensure there is evidence of an individual rehabilitation and return to work plan developed for every worker, and that RRTW plans are available should the Workers' Compensation Regulator audit the insurer file.
- How you will measure and evaluate the effectiveness of RRTW plans (e.g. short and long term goal attainment; return to work outcomes achieved; timely implementation and assessment of the RTW plan. This detail may be included in your RRTW plan template – see the *Rehabilitation and return to work plan guideline – for insurers* for an example template.).
- The data you'll use to measure successful rehabilitation and return to work outcomes for workers.
- How frequently you will review RRTW plan performance data.

4. Compliance

The Workers' Compensation Regulator has responsibility for accrediting your ARRTW program and will undertake compliance monitoring activities including audits to ensure that you are fulfilling your legislative obligations.

At the request of the Workers' Compensation Regulator, you must be able to provide evidence to demonstrate you are meeting the requirements of your ARRTW program.

To understand more about compliance monitoring activities and the potential enforcement actions available to the Workers' Compensation Regulator, refer to the:

- [WCRS Compliance and Enforcement Policy](#)
- [Self-Insurer Performance and Compliance Framework](#)
- [Queensland Self-Insurer Audit Process](#).

5. How to apply for accreditation

You must submit your ARRTW program and any supporting information in the one document.

You must also demonstrate how you have met the mandatory criteria and identify where evidence is available in your ARRTW program document to demonstrate you have met the criteria.

Applications can be submitted via email to: InsurerServices@oir.qld.gov.au.

6. Accreditation process

Workers' Compensation Regulatory Services (WCRS) will undertake a preliminary review of your ARRTW program and supporting information.

In line with procedural fairness principles, you will be afforded an opportunity to address any areas of concern identified during this preliminary review.

You must address and provide WCRS with a revised ARRTW program if requested to do so.

Failure to adequately address any identified area of concern may result in your program not being accredited.

The Workers' Compensation Regulator will accredit your ARRTW work program when satisfied that the program meets the mandatory criteria.



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