

Overview of rehabilitation and return to work

The aim of this document is to ensure clarity and consistent understanding of rehabilitation and return to work terms, roles and responsibilities for all scheme stakeholders.

Under the *Workers' Compensation and Rehabilitation Act 2003* (the Act), insurers and employers have distinct and separate responsibilities for supporting workers who sustain a work-related injury to return to timely, safe and durable 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:

Accredited rehabilitation and return to work program (ARRTW program)

Insurer's responsibility

The approach or overall system outlining how an insurer will facilitate early rehabilitation and return to work. The Act establishes particular circumstances when a worker must and may be referred to an ARRTW program.

Rehabilitation and return to work plan (RRTW plan)

Insurer's responsibility

A tailored written plan for an injured worker that:

- identifies and focuses on the worker's goals and capacity
- is developed with the worker
- is regularly reviewed
- promotes communication between parties involved in the rehabilitation and return to work process.

Insurers must take all reasonable steps to coordinate the development and maintenance of a RRTW plan for workers who have sustained an injury, on acceptance of their claim.

However, the format of the RRTW plan may vary and the level of detail required will depend on the complexity of the worker's injury and their individual rehabilitation needs.

Not all workers with an accepted claim and a RRTW plan will be referred to an ARRTW program of an insurer.

Suitable duties program

Employer's responsibility

Sits within a rehabilitation and return to work plan and includes:

- tasks that an injured worker can safely perform at work while they recover from a work-related injury or illness
- timeframes, to ensure it remains appropriate to the worker's recovery
- consistency with the standards prescribed in the Guidelines for Standard for Rehabilitation.

Not all injured workers with a RRTW plan will require a suitable duties program. A suitable duties program is only required for workers with reduced capacity who are unable to return directly to their pre-injury role.

Terms in this document have the same meaning as defined under the Act.

Note: The following updates will be made to the diagram on page 1 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.

Rehabilitation and return to work terms

Accredited rehabilitation and return to work program

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.

Section 220 of the Act establishes when an injured worker *must* and *may* be referred to an insurer's ARRTW program. Not all workers with an accepted claim and a rehabilitation and return to work plan (RRTW plan) will be referred to an ARRTW program of an insurer.

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

Health benefits of good work

The health benefits of good work is an initiative lead by the Australasian Faculty of Occupational and Environmental Medicine of the Royal College of Physicians.

The health benefits of good work recognises the significance of work to an individual's physical and mental health and wellbeing. Long periods away from work are acknowledged to be detrimental for one's health and the longer an individual is away from the workplace, the less likely they are to ever return.

Rehabilitation

Under the Act, rehabilitation of a worker is a process designed to ensure the worker's earliest possible return to work, or if this is not feasible, maximise the worker's independent functioning.

Rehabilitation may include any necessary and reasonable suitable duties programs; services provided by a registered person; services approved by an insurer; or the provision of necessary and reasonable equipment or aids to the worker. Both workers and employers must take every reasonable step to participate in rehabilitation and suitable duties programs.

Rehabilitation should be worker-centric and focused on what the worker can do and building their capacity, rather than what they can't do. The purpose of rehabilitation is to return the worker to the worker's pre-injury duties. If this is not feasible, the purpose is to:

- return the worker, either temporarily or permanently, to other suitable duties with the worker's preinjury employer, or;
- if this is not feasible, to return the worker, either temporarily or permanently, to other suitable duties with another employer, or;
- if none of the above options are feasible, to maximise the worker's independent functioning.

Rehabilitation for return to work is sometimes commonly referred to as vocational, occupational or workplace rehabilitation.

Rehabilitation and return to work plan

Under section 220 of the Act, a rehabilitation and return to work plan (RRTW plan) for a worker who has sustained an injury is a written plan that:

- outlines the rehabilitation objectives for the injured worker and the steps required to achieve these objectives; and
- is developed in consultation with the worker, the employer and registered persons treating the worker.

A RRTW plan is a tool for insurers to coordinate effective planning, management and review of a workers' rehabilitation and return to work, and to promote collaboration and coordinate communication between all stakeholders involved in facilitating rehabilitation and return to work. A RRTW plan also serves as a tool to educate and involve the injured worker in designing their own rehabilitation and return to work journey and is an essential component in supporting a worker's successful return to work.

The Act requires that insurers must take all reasonable steps to coordinate the development and maintenance of a RRTW plan for workers who have sustained an injury (on acceptance of their claim*). However, the Act does not subscribe a 'one size fits all' RRTW plan. 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. (For examples, see Appendix A [Matrix – Level of detail required in assessing RRTW needs and documenting a RRTW plan] of the *Rehabilitation and return to work plans guideline – for insurers*.)

The RRTWP should be regularly monitored and updated to reflect any changes or new information about a worker e.g., new medical information.

Suitable duties

Suitable duties are identified tasks that an injured worker can safely perform at work while they recover from a work-related injury or illness. These tasks should be both meaningful and suited to the worker's physical, psychological and cognitive capacities (age, education, training and experience are all factors to be considered). Suitable duties should be reviewed and amended as a worker continues to recover and their capacities increase.

Suitable duties are sometimes referred to as light or modified duties. However, the term light duties does not adequately reflect the importance of suitable duties and may hold a negative connotation.

Suitable duties program

A suitable duties program sits within a rehabilitation and return to work plan and documents the systematic plan of grading of duties and days and hours to facilitate a safe and durable recovery and return to work, as well as any external treatment to support recovery.

It is an employer's responsibility to develop a suitable duties program. Not all injured workers with a RRTW plan will require a suitable duties program. A suitable duties program is only required for workers with reduced capacity who are unable to return directly to their pre-injury role.

A suitable duties program sets out the tasks an injured worker will perform while they recover from their injuries. It states how long they'll complete these tasks for and whether their tasks will change as their capacity for work improves.

Importantly, a suitable duties program also details the job restrictions and considerations or changes to ensure safe, early and sustainable return to work.

A suitable duties program is comprised of duties and hours that consider an individual worker's current physical, psychological, and cognitive abilities, as well as factoring in restrictions as outlined in a *Work capacity certificate – workers' compensation*. The suitable duties program should be regularly monitored and revised to ensure work hours and duties remain appropriate as a worker's capacities increase throughout their recovery.

The purpose of a suitable duties program is to help workers safely regain their capacity to return to their normal duties and work hours.

It is an employer's responsibility to develop a suitable duties program. If an employer meets the criteria to appoint a RRTWC, this function is typically delegated to the RRTWC.

If outlined on the *Work capacity certificate – workers' compensation*, a suitable duties program must be reviewed and signed by a treating medical practitioner before a worker commences the program.

The terms return to work plan, suitable duties plan, injury management plan are sometimes used to describe a suitable duties program, however, these are not terms used with the Act.

Work capacity certificate – workers' compensation

A *Work capacity certificate – workers' compensation* can be completed by doctors, nurse practitioners or dentists involved in treating the workers injury. A *Work capacity certificate – workers' compensation* is a primary tool used to communicate details about a workers' injury, including their capacity to return to work, any relevant restrictions and limitations or whether a workplace visit is required by a suitably qualified person to ensure a safe return to work.

Rehabilitation and return to work roles and responsibilities

Employer

Employers have a responsibility under the Act to report all injuries for which compensation may be payable, and to provide rehabilitation for injured workers in order to facilitate their early and safe return to work.

Employers are also responsible for developing a suitable duties program for workers with reduced capacity who are unable to return directly to their pre-injury role. If an employer is unable to locate or identify suitable duties for their injured worker, they must notify the insurer in writing.

Depending on the size of the business, an employer may be required to appoint a rehabilitation and return to work coordinator (RRTWC). If an employer meets the requirements to have an appointed RRTWC, they must also have workplace rehabilitation policy and procedures.

The [Guidelines for standard for rehabilitation \(second edition\)](#) provide guidance for employers who are required under section 228 of the Act to assist or provide a worker who has sustained a work-related injury with rehabilitation for the period for which the worker is entitled to workers' compensation. The guidelines:

- aim to help employers understand the important role they play in assisting an injured worker in the recovery from injury and return to work
- establish seven principles that detail key steps an employer can take to assist in a worker's successful rehabilitation and return to work and satisfy their obligations under the legislation
- explain how the responsibilities of the insurer and the employer interconnect.

It is considered best practice that employers who are not legislatively required to have workplace policies and procedures still develop guidance materials. Having a policy and procedures ensures all employers, supervisors and workers are aware of their roles and responsibilities if a work-related injury or illness occurs.

Insurer

An insurer is responsible for determining claim liability and notifying an injured worker and employer of their decision within 20 days of receiving an application for compensation.

An insurer is responsible for facilitating and guiding the rehabilitation and return to work process by maintaining collaborative communication with all stakeholders involved in facilitating a worker's rehabilitation and return to work. Insurers are also responsible for approving and paying for reasonable costs of medication, treatment, and rehabilitation.

Insurers are responsible for developing an accredited rehabilitation and return to work program (ARRTW program) that outlines how they will facilitate early rehabilitation and return to work. Insurers must refer a worker who has asked to participate to their ARRTW program, as well as workers who, at the end of their claim, have not returned to work because of their injury.

Insurers are also responsible for developing a rehabilitation and return to work plan for each claim.

Insurer claims manager

The insurer's claims manager is responsible for managing workers' compensation claims, including developing, leading, monitoring, reviewing and updating rehabilitation and return to work plans (RRTW plans); providing progress updates to all stakeholders when relevant or at completion of the RRTW plan; and keeping all stakeholders advised of any changes to the RRTW plan.

The terms claims manager, claim advisor, claims consultant, case manager and customer advisor are sometimes used interchangeably.

Rehabilitation and return to work coordinator

A rehabilitation and return to work coordinator (RRTWC) is a person appointed by an employer to work with injured workers, doctors, allied health providers and insurers to provide overall coordination for a worker's rehabilitation and return to work.

A RRTWC is responsible for initiating early communication with an injured worker to clarify the nature and severity of the worker's injury and coordinating the worker's recovery at the workplace, including identifying suitable duties or alternative roles to help inform the insurer's rehabilitation and return to work plan. A RRTWC is also responsible for liaising with the insurer about the worker's progress.

An employer must appoint a RRTWC if the employer meets criteria prescribed under the Workers' Compensation and Rehabilitation Regulation 2014 (the Regulation). Section 226 of the Act specifies that the appointed RRTWC must be in Queensland and employed by the employer under a contract, regardless of whether the contract is a contract of service.

An employer is responsible for ensuring their appointed RRTWC is appropriately qualified to undertake the prescribed functions outlined in section 114 of the Regulation.

An employer is required to lodge details of their appointed RRTWC to their insurer including:

- the person's name and contact details;
- details of how the person is appropriately qualified; and
- the details of each workplace for which the person is appointed as the RRTWC.

A RRTWC is not required to be registered with Workers' Compensation Regulatory Services.

If a RRTWC performs other roles within the business, employers must ensure the RRTWC can perform their role without any perceived or actual conflict of interest.

An employer may contract out the functions of a RRTWC to an external provider.

Supervisor

The role of the supervisor is to support the injured worker to fulfill and comply with the duties and restrictions outlined within the suitable duties program. It is best practice that a supervisor also find ways to keep the injured worker engaged and connected to the workplace through facilitating communication between the injured worker and helping the worker integrate back into the team environment at work. Supervisors can also assist an injured worker by addressing issues raised by the injured worker immediately, to facilitate early and safe return to work.

A worker who is contacted by an employer or supervisor immediately following a work-related injury has better return to work outcomes.

Treating health provider

Treating health providers are registered medical providers such as doctors and medical specialists or allied health providers including physiotherapists, exercise physiologists and occupational therapists. These medical and allied health practitioners can provide treatment or support to an injured worker at any point throughout their recovery and return to work.

Treating health providers are responsible for:

- arranging appropriate treatment referrals and monitoring treatment
- providing a workers' compensation medical certificate to the worker for all periods of total or partial incapacity and treatment
- providing input regarding suitable duties programs when requested.

Worker

A 'worker' for the purposes of the *Workers' Compensation and Rehabilitation Act 2003* is an individual employed under a contract (s 11) or specifically included under Schedule 2 Part 1, unless specifically excluded under Schedule 2 Part 2.

Injured workers must be consulted in relation to the development of their rehabilitation and return to work plan to ensure they understand their obligations and that their opinions and any concerns are considered as part of the process.

Workers are obligated to take part in all rehabilitation designed to assist their recovery, and actively participate in planning their return to work with their employer, including reporting concerns, difficulties or increases in symptoms to their insurer claims manager. .

Workers' Compensation Regulator

The Workers' Compensation Regulator is responsible for regulating the Queensland workers' compensation scheme under the Act. The Workers' Compensation Regulator delegates a number of its functions to Workers' Compensation Regulatory Services in the Office of Industrial Relations.

Workers' Compensation Regulatory Service (WCRS)

Workers' Compensation Regulatory Services (WCRS) in the Office of Industrial Relations regulates the Queensland workers' compensation scheme. WCRS's functions are prescribed under Section 327 of the Act.

WCRS seeks to work in collaboration with stakeholders to promote and maintain a fair and efficient workers' compensation scheme that balances the needs of workers and employers.

WCRS works independently to:

- manage insurers' licenses and make sure they follow workers' compensation laws;
- settle disputes and complaints about workers' compensation decisions;
- facilitate the medical assessment tribunals;
- promote rehabilitation and return to work;
- facilitate education; and
- gather and analyse data about the workers' compensation scheme.

Workplace rehabilitation provider

Workplace rehabilitation providers (WRPs) are organisations comprised of qualified health professionals who specialise in supporting the complex needs of workers and employers to achieve timely and sustainable return to work outcomes. WRPs are independent of other stakeholders and provide expert opinion and solutions to help resolve workplace injuries. They may also help to address risk factors that can affect a worker's ability to recover at, or return to, work.

WRPs work closely with employers to eliminate or reduce the potential for workplace injury and improve the health of the workforce.

The types of services workplace rehabilitation providers may provide include:

- initial workplace rehabilitation assessment
- assessment of the functional capacity of an employee
- workplace assessment
- creating and monitoring a rehabilitation or return to work plan
- creating suitable duties plans
- job analysis
- advice about job modification

- rehabilitation counselling
- vocational assessment
- advice or assistance in job seeking
- advice or assistance in arranging vocational re-education or retraining.

FOR CONSULTATION