



INJURY MANAGEMENT AND RETURN TO WORK – AN OVERVIEW

Marine Industry Workshops & Trade Event 6 March 2010

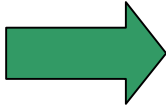
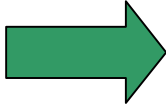
Penny Nicholson

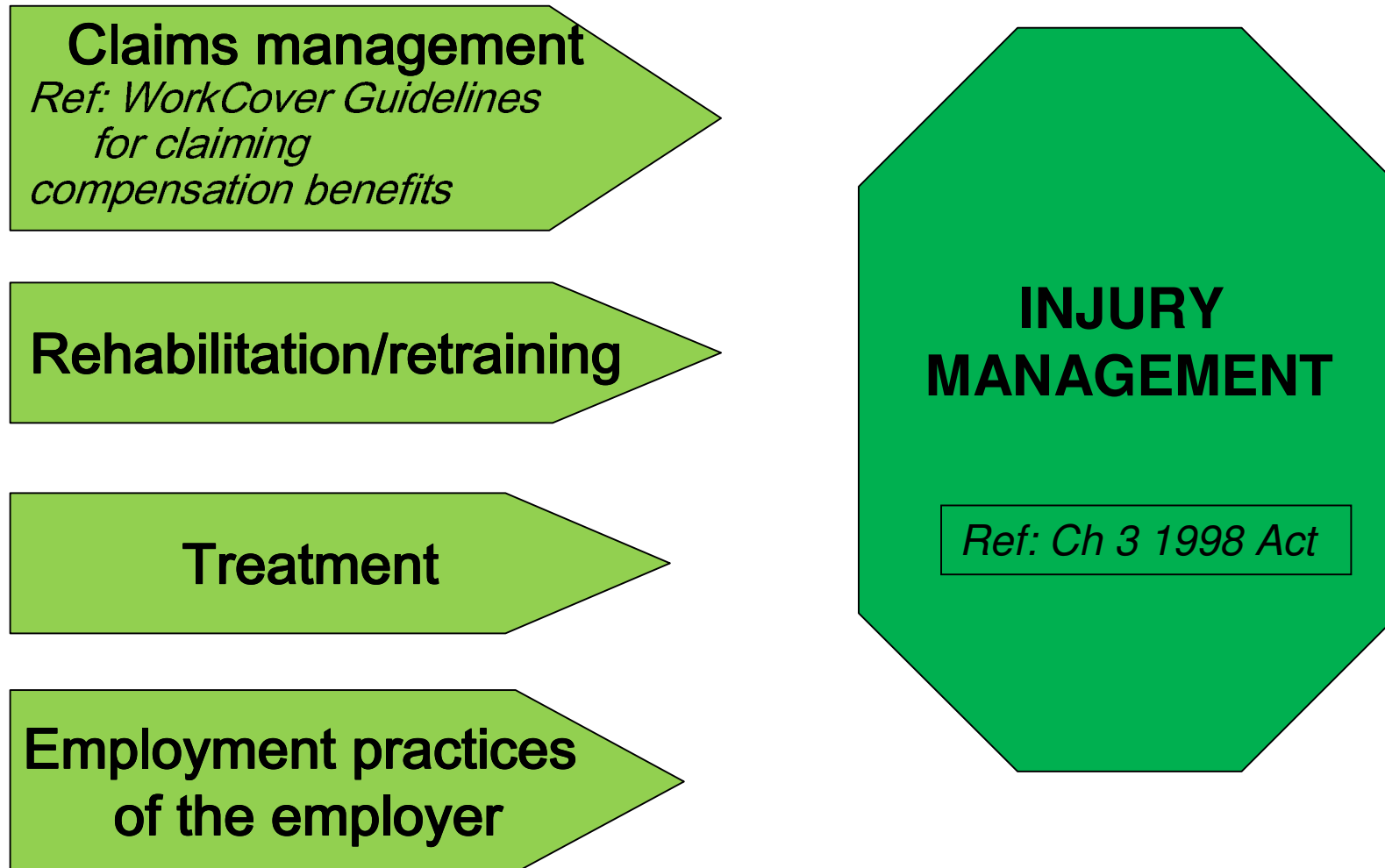
Manager, Case Management & Return to Work
Workers Compensation Division

'Small' employers

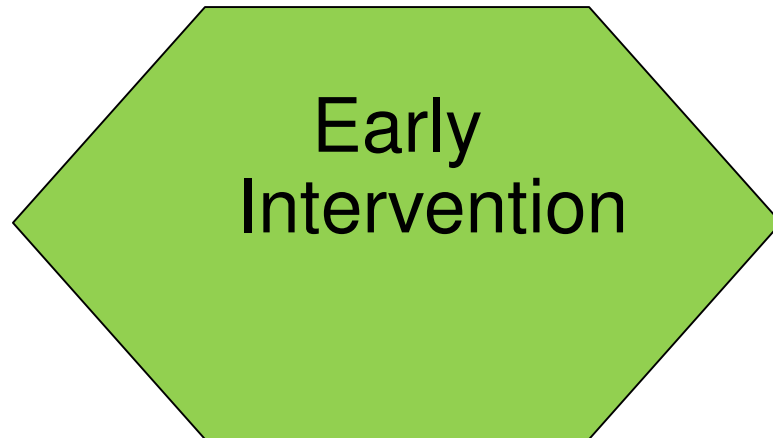
- **Small employers are defined as having:**
 - basic tariff premium \leq \$10,000 or
 - annual wages that total \$300,000 or less.

- **Small employers' premiums are not impacted by claims.**

Scheme Agent/Insurer responsibilities		
<p>Injury management program</p> <p><i>strategy for managing all aspects of workplace injury</i></p>	<p>Injury</p> 	<p>Injury management plan</p> <p><i>plan for coordinating and managing the treatment, rehabilitation and return to work of an injured worker</i></p>
Employer responsibilities		
<p>Return to work program</p> <p><i>strategy for managing all aspects of the employer's return to work processes</i></p>	<p>Injury</p> 	<p>Return to work plan</p> <p><i>plan for coordinating and managing the return to work of an injured worker</i></p>



Why implement injury management?



quicker recovery

less downtime

reduced claims costs

lower premiums

Key Scheme Agent/insurer responsibilities

- Early contact with worker, employer, doctor to initiate injury management planning, provide information about claim process
- Start paying weekly benefits within 7 days of notification or advise reason for non payment
- Pay reasonably necessary medical expenses
- Decide whether to accept/decline ongoing claim liability – advise worker and employer of decision
- Develop injury management plan (for ‘significant injury’) in consultation with worker, employer, doctor
- Continue to pay benefits on regular and timely basis
- Keep all parties informed

Key employer responsibilities

- Ensure a safe workplace
 - Maintain a current workers compensation policy
 - Have a return to work program (consistent with Scheme agent's injury management program)
 - standard for small, customised for large
 - describes the return to work processes
 - developed in consultation with workers
 - displayed and available on request
 - reviewed and updated at least every 2 years
 - Have a register of injuries available
 - Notify Scheme Agent of all injuries within 48 hours of advice of injury – if not notified within 5 days, excess of 1 week of worker's weekly compensation
 - Provide evidence to Scheme agent if doubt that injury is work related
-

Key employer responsibilities cont.

- Send all documents relating to claim to Scheme agent within 7 days
- Provide suitable duties
- Develop return to work (suitable duties) plan in consultation with worker and doctor
- Cooperate with insurer's injury management plan
- Maintain communication with all parties
- Advise your Scheme agent of any changes to your business activities
- Maintain wage records for five years

Suitable duties

- Short-term work duties, agreed between the employer, injured worker and nominated treating doctor
- May include:
 - parts of the job the worker was doing before the injury
 - the same job, but on reduced hours
 - different duties altogether
 - duties at a different site
 - training opportunities
 - a combination of some or all the above
- Return to work (suitable duties) plan = employer's written offer

- When considering suitable duties the following must be taken into account:
 - medical certificate/capacity/incapacity – nominated treating doctor will list work capabilities and restrictions
 - pre injury employment
 - worker age, education, work skills
 - where the worker lives
 - duties must be useful to the employer's trade or business
 - duties must not be demeaning or token jobs
 - duties must comply with the injury management plan

Suitable duties cont.

- Advantages:
 - assists with return to work process
 - demonstrates commitment to recovery
 - worker maintains link with workplace
 - worker maintains wage
 - workers are more motivated and this may speed recovery
 - employers retain skilled workers
- Unable/refusal to provide suitable duties:
 - the cost of the claim likely to increase
 - the Workers Compensation Commission may impose a penalty of up to \$5,000.
- Resources to assist

- Notify employer of injury
- Nominate a treating doctor
- Authorise doctor to release and obtain information
- Provide medical certificates to Scheme Agent/insurer
- Participate and cooperate in their injury management plan
- Return to work as soon as possible
- May be suspension of benefits for 'unreasonable' lack of cooperation

If a worker is injured



- Return To Work
 - best organised with worker and doctor
 - engage with doctor early and appropriately
 - employ rehab provider if worker, doctor or employer are unsure
 - manage with rehab provider
 - if cannot provide suitable duties – who can?
 - rehab provider can arrange through Work Trial Scheme
 - if return to pre-injury duties/employer not realistic
 - agree with worker, doctor, agent, rehab provider and move on
 - ensure worker and provider map out realistic goal and path for re-employment

- What stops workers returning to work
 - no contact
 - disbelief from employer
 - not being paid
 - unnecessary delays in decisions about treatment
 - alienating the worker's doctor
 - not keeping promises
 - different agendas – real or perceived

- Influencing doctors
 - medicine is their practice
 - Medicare is their business
 - know nothing about your workplace
 - happy to cooperate (WC pays them well) but needs to fit with practice and business
 - patient appointment is best option
 - practice manager is best entree

- Equipment and modifications
- Work Trials
- JobCover Placement Program
- Retraining

- Provides essential equipment or workplace modifications to help injured worker:
 - return to suitable employment (with pre-injury or new employer)
 - successfully participate in training
- Application by rehabilitation provider or return to work coordinator following workplace assessment
- Equipment requests should be reasonable and necessary
- Worker must be receiving or eligible to receive weekly benefits
- Approval of application by:
 - Scheme agents < \$10,000
 - WorkCover > \$10,000



- Provides injured worker with short period of work experience with a host employer to:
 - increase work capacity in a suitable work environment prior to returning to pre injury duties
 - or
 - develop work skills to find new employment
- Rehabilitation Provider applies to WorkCover following workplace assessment
- Worker must be receiving weekly benefits
- Host employer does not pay the worker

Jobcover Placement Program

- For injured workers who cannot return to their pre-injury employment
- Provides incentives for a new employer to employ an injured worker (long term)
- Pays up to \$300 per week of actual wage for up to 12 weeks
- Worker's wages excluded from premium calculation for first 12 months
- Protection from “injury aggravation” costs for first 12 months



- Cannot return to pre injury duties, lack of transferable skills to get new employment
- Assists injured worker develop new skills
- Most direct way back to durable employment
- Gain new job comparable to pre-injury employment in salary and status
- Approval of application by
 - Scheme Agents < \$10,000
 - WorkCover > \$10,000

- Rehabilitation providers as a resource for return to work coordinator
 - severe, complex or recurrent injury
 - specific assessments needed – worksite, vocational and/or functional assessments
 - no suitable duties available
 - difficult to match worker with duties
 - disputes or delays with progress of return to work
 - history of difficulties prior to injury
 - communication problems between parties
 - worker needs assistance to participate in WorkCover Work trial program or to retrain into alternate employment
 - worker needs equipment or workplace modifications for safe return to work
 - worker needs assistance to find new job
- One size doesn't fit all

- Purpose of their role
 - negotiate/facilitate return to work
 - use evidence based knowledge of injury
 - prevent disability and unemployment
 - achieve agreed outcome
 - record agreement for all
- Reasons for referral
 - worker not upgrading
 - nominated treating doctor not cooperating
 - disagreement about suitable duties
 - inconsistent return to work
- Gazetted guidelines and fees

- Purpose of their role
 - to provide an independent opinion eg treatment, diagnosis, fitness, impairment
- Reasons for referral
 - information from treating practitioners is unavailable, inadequate or consistent
- Gazetted guidelines and fees

Resolving problems



- Injured workers and employers contact WorkCover Claims Assistance Service (CAS) when they are:
 - experiencing barriers from other parties in the system
 - confused by conflicting information
 - frustrated by the lack of action
 - they just don't know what to do
- CAS provides assistance in:
 - payment of benefits
 - delays in treatment and medical expenses
 - return to work issues
 - reporting of injuries

Key elements in return to work

- Workplace systems in place
- Early intervention
- Communication between stakeholders
 - injured worker
 - employer and Scheme Agent/Insurer
 - nominated treating doctor
- Retain worker's link to workplace - workplace based rehabilitation ie 'suitable' employment
- Utilise WorkCover vocational programs
- Active involvement in return to work process



- WorkCover website: www.workcover.nsw.gov.au
- WorkCover Claims Assistance Service: 13 10 50
- WorkCover email enquiries:
contact@workcover.nsw.gov.au
- Provider Services Branch 1800 801 905
provider.services@workcover.nsw.gov.au
- WorkCover Publications Hotline: 1300 799 003
- Regional return to work coordinator groups
- Workers Compensation Commission:
www.wcc.nsw.gov.au

The new website is here!



WorkCover Authority of New South Wales - How we can help - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Search Favorites

Address <http://www.workcover.nsw.gov.au/healthsafety/smallbusiness/howwecanhelp/Pages/default.aspx> Go Links

NSW GOVERNMENT New South Wales Government WorkCover Authority of NSW

Ask Government | Subscribe | About us | Contact us | Контакт

Search Advanced Search

Home

- Health and safety
 - Duty of care
 - Health and safety topics
 - Making your workplace safer
 - OHS Regulation 2001
 - Raising a safety issue
 - Small business
 - What you need to do
 - How we can help**
 - Advisory visits
 - Getting started in small business
 - Mentoring
 - Safety solutions rebate
 - Small business forums
 - Tools
 - Workshops
 - How well are you doing?
 - Why safe business is good business
 - Young workers
 - Your industry
 - Your rights and responsibilities

WorkCover Internet > Health and safety > Small business > How we can help

How we can help

WorkCover is dedicated to helping small business understand and successfully manage their occupational health and safety, workers compensation and injury management responsibilities.

We offer a range of FREE services:

- [Advisory visits](#)
- [Workshops](#)
- [Small solutions rebate](#)
- [Small business forums](#)
- [Mentor program](#)
- 13 10 50

Our [Serious about safe business kit](#) contains tools to help you identify what you need to do to make your workplace safer - and outlines how to do it.

Our website also contains a wealth of [industry specific information](#) and [health and safety topics](#).

Your [Scheme Agent or insurer](#) can also provide advice on managing workers compensation claims and policies, and professional associations within your industry can offer invaluable information.

Find out how WorkCover can assist your small business

- [View video](#)

Events

- Workplace Safety Essentials - Workplace Bullying (Forbes)
- Workplace Safety Essentials - Serious About Safety (Windsor)
- Workplace Safety Essentials - Working with Contractors (Revesby)
- Managing for Safety Interactive Workshop (Gosford)
- Workplace Safety Essentials - Manual Handling (Kingsford)
- See more events

Local intranet