



## ***Understanding rehabilitation and return to work terms, roles and responsibilities***

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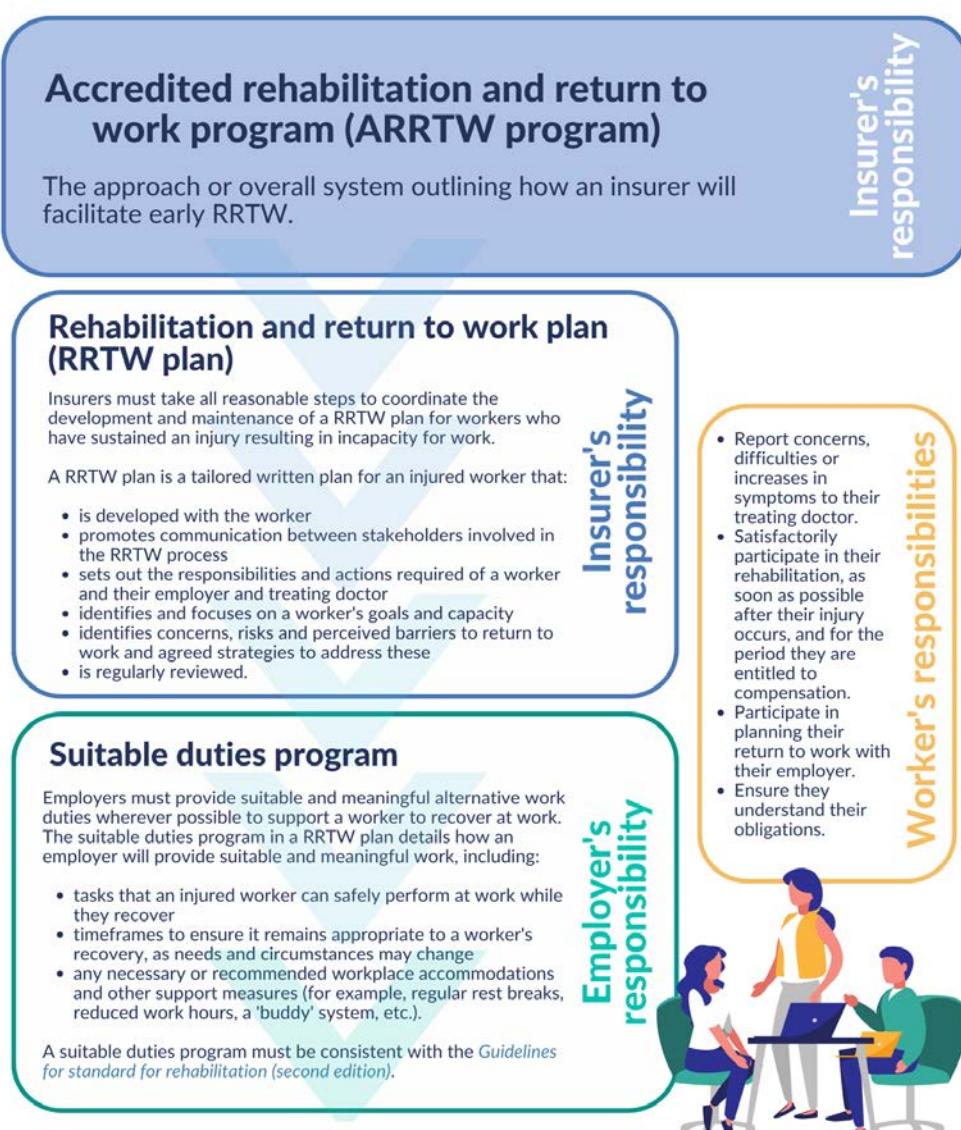
# Rehabilitation and return to work process

The aim of this document is to support you in understanding rehabilitation and return to work (RRTW) terms, roles and responsibilities in the Queensland workers' compensation scheme. Terms in this document have the same meaning as defined under the [Workers' Compensation and Rehabilitation Act 2003](#) (the Act).

In Queensland, the Act and the [Workers' Compensation and Rehabilitation Regulation 2014](#) (the Regulation) establish the law in relation to workers' compensation and RRTW. Under the Act, insurers and employers have distinct and separate responsibilities for supporting workers who sustain a work-related injury to return to meaningful work early and safely, or to maximise their independent functioning.

Licensed self-insured employers must maintain actual and structural separation of their roles and responsibilities as an employer and as an insurer, including ensuring that workers' compensation documents are treated confidentially and not provided or used for a purpose relating to a worker's employment ([section 572A](#) of the Act). Non-compliance with section 572A is an offence.<sup>1</sup>

Insurer, employer and worker responsibilities for RRTW planning, and how these interact, are outlined below.<sup>2</sup>



<sup>1</sup> The maximum penalty for an employer using workers' compensation documents for a purpose relating to a worker's employment is 100 penalty units. One penalty unit equates to \$143.75, under the [Penalties and Sentences Regulation 2015](#) (current as at February 2023).

<sup>2</sup> For more information, see: [Rehabilitation roles and responsibilities | WorkSafe.qld.gov.au](#)

## **Accredited rehabilitation and return to work program (ARRTW program)**

All Queensland insurers must have an ARRTW program under [the Act](#).

An insurer's ARRTW program is a summary of the system an insurer will use to manage the RRTW of workers with work-related injuries or illnesses, or to maximise their independent functioning. It outlines an insurer's commitment to assisting injured workers to achieve the best possible outcome following a work-related injury. It explains how an insurer will facilitate early and safe RRTW, including the use of rehabilitation and return to work plans (RRTW plans), and provides clear guidance to insurer claims managers, employers and workers.

Best practice is for an insurer to refer all injured workers to its ARRTW program, and to make it clear to a worker whether they have been referred. For more detail on when a worker must and may be referred to an insurer's ARRTW program, see [Section 220](#) of the Act.

Workers who are referred to an insurer's ARRTW program are provided with RRTW services and support appropriate to their individual needs.

Insurers are responsible for developing their own ARRTW program and must submit it for accreditation by the Workers' Compensation Regulator. ARRTW programs are reviewed regularly by the Workers' Compensation Regulator, with accreditation provided for periods between twelve months and four years.

An insurer's ARRTW program should be easily accessible—either publicly available for transparency or made available at a worker's request.

For more information on what an ARRTW program of an insurer must include to meet accreditation requirements, refer to the [Accredited rehabilitation and return to work plan guideline – for insurers](#).

### **Claims manager**

An insurer claims manager is responsible for managing workers' compensation claims, including coordinating the development (leading, monitoring, reviewing and updating) of a RRTW plan in consultation with an injured worker and their employer and treating health providers. A claims manager facilitates and guides the RRTW process by maintaining collaborative communication between these stakeholders, which may include providing progress updates when required or at completion of a RRTW plan and ensuring relevant stakeholders are consulted on changes to a RRTW plan.

Insurers are responsible for ensuring claims management staff are appropriately skilled and trained, including consideration of their capabilities, personal attributes and experience. After determining the capability of a claims manager, insurers may wish to engage a workplace rehabilitation provider to support complex claims. For more information, refer to the [Rehabilitation and return to work plan guideline – for insurers](#).

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

### **Consultation**

Consultation is the process of sharing relevant information with a person in a timely manner, providing that person with an opportunity to express their views, giving genuine consideration to those views when making decisions, and seeking feedback on alternatives and/or decisions.

Consultation is a two-way process where you:

- *talk* to each other
- *listen* to the other person's concerns and respond accordingly
- *seek and share* views and information
- *consider* any feedback received before you make decisions.

## **Employer**

Employers have a legal responsibility to report all injuries for which compensation may be payable, and to take all reasonable steps 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 an injured worker, they must notify their insurer in writing, including providing evidence why it is not possible to provide suitable duties.

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 a RRTWC, they must also have a 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 a worker is entitled to workers' compensation. The guidelines:

- aim to help employers understand the important role they play in assisting an injured worker in their 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 RRTW and satisfy their legal obligations
- explain how the responsibilities of an insurer and an employer interconnect.

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

Employers must also ensure that all information and documents relating to a worker's rehabilitation and/or workers' compensation claim are treated confidentially and kept separately from their employment records. This information should only be used to support a worker's rehabilitation, and not for any purpose relating to their employment (e.g. disciplinary action, or decisions about whether their employment should continue).

## **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 a person's health and the longer a worker is away from the workplace, the less likely they are to return.

## **Insurer**

An insurer (WorkCover Queensland or a licensed self-insured employer) is responsible for:

- determining claim liability and notifying an injured worker and their employer of its decision within 20 business days of receiving an application for compensation
- coordinating the development of a RRTW plan for each accepted claim, in consultation with an injured worker and their employer and treating health providers<sup>3</sup>
- facilitating and guiding the RRTW process by maintaining collaborative communication with all relevant stakeholders (a worker and their employer, treating doctor and health providers, and you, the insurer)
- approving and paying for reasonable costs of medication, treatment, and rehabilitation
- developing an ARRTW program that outlines how it will facilitate early and safe RRTW.

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<sup>3</sup> See the [Rehabilitation and return to work plan guideline – for insurers](#) for more information on the development timeframe, format and complexity of a RRTW plan for different types of claims.

## **Person-centred approach**

It is best practice to apply a person-centred approach to RRTW. This means allowing an injured worker's values, beliefs, circumstances and needs to guide how services and supports are designed and delivered, and enabling a worker to participate meaningfully in decisions that impact them in partnership with their support team (insurer, employer, treating health provider/s, and other stakeholders).

Practical ways to apply a person-centred approach include:

- planning with a worker and providing opportunities for them to suggest actions and solutions
- supporting a worker to set goals
- inviting a worker's input on barriers and enablers for RRTW
- doing things in a way that works best for a worker
- focusing on a worker's strengths.

## **Queensland Work Capacity Certificate – workers' compensation**

A *Work capacity certificate – workers' compensation* is a primary tool used to communicate details about a worker's injury, including their capacity to return to work, any relevant restrictions and limitations and whether a workplace visit is required by a suitably qualified person to ensure a safe return to work.

In Queensland, a *Work capacity certificate – workers' compensation* can be completed by doctors, nurse practitioners or dentists involved in treating a worker's injury.

## **Rehabilitation**

The [Act](#) defines rehabilitation of a worker as a process designed to ensure a worker's earliest possible return to work, or if this is not feasible, to maximise their independent functioning.

Rehabilitation may include any necessary and reasonable suitable duties programs, services provided by a registered person, services approved by an insurer and necessary and reasonable equipment or aids provided to a worker.

Rehabilitation should be person-centred and focused on what a worker can do and building their capacity, rather than what they cannot do.

The purpose of rehabilitation is to return a worker to their pre-injury duties. If this is not feasible, in line with the return to work hierarchy, the purpose is to:

- return a worker, either temporarily or permanently, to other suitable duties with their pre-injury employer; or
- if this is not feasible, to return a worker, either temporarily or permanently, to other suitable duties with another employer; or
- if the above options are not feasible, to maximise a worker's independent functioning.

Rehabilitation for return to work can also be referred to as vocational, occupational or workplace rehabilitation.

Employers have a legal responsibility to take all reasonable steps to provide rehabilitation for an injured worker, and a worker has a responsibility to satisfactorily participate in rehabilitation designed to assist their recovery.

## **Rehabilitation and return to work coordinator (RRTWC)**

A RRTWC is a person appointed by an employer to work with injured workers, their work area, doctors and other treating health providers and insurers to provide overall coordination for a worker's RRTW.

A RRTWC is responsible for initiating early communication with an injured worker to clarify the nature and severity of a worker's injury, and providing overall coordination of the worker's return to work. If an injured worker requires suitable duties to support them to recover at work, a RRTWC is responsible for consulting with a worker and their employer to develop the suitable duties program of the RRTW plan, and for ensuring the suitable duties program is consistent with a worker's current medical certificate. A RRTWC is also responsible for liaising with any person engaged by an employer to help in a worker's RRTW, and with an insurer about a worker's progress. This includes indicating when an insurer needs to assist or intervene.

An employer must appoint a RRTWC if they meet certain criteria under section 115 of the Regulation.<sup>4</sup> An employer is also responsible for ensuring their appointed RRTWC is appropriately qualified to undertake the prescribed functions outlined in section 114 of the Regulation.

An appointed RRTWC must be in Queensland and employed under a contract, regardless of whether the contract is a contract of service.

An employer must provide their RRTWC's details to their insurer within 12 months of appointing them, including:

- the person's name and contact details
- details of how the person is appropriately qualified
- 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.

## **Rehabilitation and return to work plan (RRTW plan)**

The [Act](#) defines a RRTW plan as a written plan that:

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

The [Act](#) says that insurers must coordinate the development of a RRTW plan for all workers who have been injured at work.

A RRTW plan is a claims management tool that helps insurers develop a tailored approach to the RRTW of injured workers, taking into account a worker's and their workplace's individual needs and circumstances. A RRTW plan is not only a planning tool that sets out the various steps involved in a worker's rehabilitation, but a communication tool that supports successful outcomes. A person-centred approach should be applied to RRTW plans.

An insurer coordinates the development of a RRTW plan in collaboration with an injured worker, their employer and treating health providers to develop a shared understanding of:

- roles, responsibilities, and actions
- steps and timeframes
- injury details and the treatment plan
- a worker's goals, capabilities, and restrictions
- work duties and workplace support to be provided to support a worker's recovery.

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<sup>4</sup> Employers must appoint a RRTWC if:

- a) the employer employ workers at a workplace in a high risk industry, and the wages of the employer in Queensland for the preceding financial year were more than 2,600 times QOTE (Queensland full-time adult's ordinary time earnings as declared by the Australian Statistician); or
- b) the wages of the employer in Queensland for the preceding financial year were more than 5,200 times QOTE.

Once a claim is accepted, insurers may contact a worker to start developing a RRTW plan within a reasonable timeframe (usually 20 business days). The development timeframe, format and complexity of a RRTW plan depends on the nature and circumstances of the claim, and a worker's individual rehabilitation needs.<sup>5</sup>

Best practice is that a RRTW plan is kept up to date, and that insurers revisit the plan if a worker's capacity changes, or if relevant new information (such as medical reports and correspondence) is received.

## 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 a worker's physical, psychological and cognitive capacities (e.g. age, education, training and experience).

Suitable duties should also take into account:

- the nature of a worker's incapacity and their pre-injury role
- relevant medical information
- a worker's RRTW plan
- the provisions of the employer's workplace rehabilitation policy and procedures
- if suitable duties are available at a location other than a worker's primary workplace, and whether it is reasonable to expect the worker to attend the other location.

Suitable duties should be reviewed and amended as a worker continues to recover and their capacity increases.

When applying a person-centred approach, a worker and their employer work together to identify suitable duties and any training or workplace changes required to support recovery at work. An insurer or workplace rehabilitation provider may assist an employer to identify suitable duties.

Suitable duties are sometimes referred to as light or modified duties. However, the term light duties may devalue the importance of suitable duties.

## Suitable duties program

Employers must provide suitable alternative work duties wherever possible to support a worker to recover at work, and develop a suitable duties program to document this.

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

A suitable duties program sits within a RRTW plan. It considers an individual worker's current physical, psychological, and cognitive abilities, and sets out:

- the tasks an injured worker will perform while they recover
- how long they'll complete these tasks for
- whether tasks will change as their capacity for work improves
- restrictions, considerations and/or workplace changes required (as outlined in a worker's *Work capacity certificate – workers' compensation*)
- days and hours of work.

A suitable duties program should be regularly monitored and revised to ensure work hours and duties remain appropriate as a worker's capacity increases throughout their recovery.

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<sup>5</sup> See the [Rehabilitation and return to work plan guideline – for insurers](#) for more information.

Employers must develop a suitable duties program for workers with reduced capacity who are unable to return directly to their pre-injury role/hours/duties or who require workplace accommodations. If an employer meets the criteria to appoint a RRTWC, this function is typically delegated to the RRTWC.

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

The terms return to work plan, suitable duties plan, and injury management plan are sometimes used to describe a suitable duties program. However, these are not terms used in the [Act](#).

### **Supervisor**

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

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

### **Treating health provider**

Treating health providers are registered medical providers such as doctors and medical specialists, and allied health providers including physiotherapists, exercise physiologists, occupational therapists, psychologists, mental health and social workers and rehabilitation counsellors. Treating health providers may provide treatment or support to an injured worker at any point throughout their recovery and return to work.

Treating health providers may be responsible for:

- providing advice regarding a worker's capacity for work
- arranging appropriate treatment referrals and monitoring treatment
- providing a *Work capacity certificate - workers' compensation* for a worker for all periods of total or partial incapacity and treatment
- providing input regarding a worker's RRTW plan, suitable duties program, and other workplace accommodations that may be required
- alerting an insurer to any concerns with discharging a worker's RRTW plan.

### **Worker**

A 'worker' as defined by the [Act](#) is an individual employed under a contract or specifically included under Schedule 2 Part 1, unless specifically excluded under Schedule 2 Part 2.

Workers are obligated to satisfactorily participate in rehabilitation designed to assist their recovery, including any return to work program or suitable duties arranged by the insurer. They are also responsible for reporting concerns, difficulties or increases in symptoms to their treating doctor, who may amend their work capacity certificate to communicate changes to a worker's insurer.

Injured workers must be consulted in relation to developing their RRTW plan to ensure they understand their obligations and that their opinions and any concerns are considered as part of the process. A better practice person-centred approach is encouraged, and may include:

- planning with a worker and providing opportunities for them to suggest actions and solutions
- supporting a worker to set goals
- inviting a worker's input on barriers and enablers for recovery and return to work
- doing things in a way that works best for a worker
- focusing on a worker's strengths.

## **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:

- advise on workers' compensation
- deliver policy and legislative frameworks for workers' compensation
- educate and engage scheme stakeholders
- conduct reviews and manage appeals across the Office of Industrial Relations' regulatory schemes
- facilitate medical assessment tribunals
- license self-insurers
- administer grants
- accredit RRTW programs and activities
- monitor scheme performance and enforce compliance
- prosecute offences under workers' compensation laws.

## **Workplace rehabilitation provider**

Workplace rehabilitation providers 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. They are independent of other stakeholders and provide expert opinions 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.

Workplace rehabilitation providers should be considered separately to treating health providers (who are individual health professionals that provide treatment) and RRTWCs (who are representatives appointed by an employer). It is recommended that workplace rehabilitation providers meet the requirements in the [\*Principles for practice for workplace rehabilitation providers\*](#) published by the Heads of Workers' Compensation Authorities (HWCA), or be engaged for services under WorkCover Queensland's Return to Work Services Table of Costs.

Workplace rehabilitation providers work closely with employers to eliminate or reduce the potential for workplace injury and improve workers' health. The types of services workplace rehabilitation providers may provide include:

- an initial workplace rehabilitation assessment
- an assessment of the functional capacity of an employee
- a workplace assessment
- creating and monitoring a RRTW plan
- creating suitable duties programs
- 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 more information

Contact [wcr.education@oir.qld.gov.au](mailto:wcr.education@oir.qld.gov.au) for more information.

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