

Return to Work Coordinators

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Helping injured workers return to safe and sustainable work requires the support of employers and Return to Work Coordinators. When a worker is injured, a Return to Work Coordinator plays an important part in assisting the worker to remain at work while they recover or return to work as soon as possible if they require time away.

Who can be a Return to Work Coordinator?

The *Accident Compensation Act 1985* (the Act) requires that an employer must nominate and appoint a person to be a Return to Work Coordinator who has an appropriate level of seniority and is competent to assist the employer to meet the employer's obligations under Part VIIB of the Act¹.

A person is competent to assist the employer to meet its obligations under Part VIIB of the Act if the person has knowledge, skills or experience relevant to planning for return to work, including:

- (a) knowledge of the obligations of employers and workers under Part VIIB of the Act
- (b) knowledge of the compensation scheme provided for under the Act and the functions of WorkSafe and, if relevant, self-insurers under Part VIIB of the Act².

The role of a Return to Work Coordinator

The Return to Work Coordinator could be you or another suitable person in your organisation.

The responsibilities of a Return to Work Coordinator are to:

- assist injured workers, where safe and practicable, to remain at work while they recover or return to work as soon as possible if they require time away. This includes liaising and/or consulting with:
 - the injured worker and their manager or supervisor
 - the worker's treating health practitioner (subject to the consent of the worker), an occupational rehabilitation provider (if involved), the case manager from your WorkSafe Agent and the worker's representative (where one has been chosen by the worker)

- monitor the progress of an injured worker's recovery and potential to return to work
- take steps to prevent a recurrence or aggravation of the injury
- help resolve any return to work related issues or disputes
- assist the injured worker and the employer meet their return to work obligations under the Act.

Nominating and appointing a Return to Work Coordinator

An employer's obligation to have a Return to Work Coordinator depends on their rateable remuneration:

- An employer with a rateable remuneration of **\$2 million or more*** must have a nominated Return to Work Coordinator appointed at all times.
- An employer with a rateable remuneration of **less than \$2 million*** must nominate and appoint a Return to Work Coordinator for the duration of the employer's return to work obligations to an injured worker.

Return to Work Coordinator seniority

A Return to Work Coordinator is required to have a sufficient level of seniority to assist their employer meet their return to work obligations under Part VIIB of the Act. The required level of seniority will depend upon the employer's particular circumstances.

Seniority is a term often used to describe an individual's position within a workplace or their length of service in a workplace. For Return to Work Coordinators, seniority means that they are empowered to speak on behalf of, and make return to work related decisions for, the employer.

1. Section 197(1)

2. Section 197(2)

* This amount is indexed annually. For the current threshold, call your WorkSafe Agent, visit worksafe.vic.gov.au or call the WorkSafe Advisory Service on freecall 1800 136 089 or (03) 9641 1444.

Information for employers Return to Work Coordinators

The employer must ensure that the Return to Work Coordinator has sufficient seniority to assist the employer to do the following:

- plan the return to work and make return to work related decisions to progress an injured worker's return to work
- identify and propose suitable or pre-injury employment
- consult with the parties involved in the return to work being the injured worker, the injured worker's treating health practitioner (subject to the consent of the worker) and occupational rehabilitation provider (where involved)
- act as a point of contact for a WorkSafe Return to Work Inspector, if requested to do so by the employer
- deal with any of a Return to Work Inspector's requests
- liaise with any other people as required about return to work related matters including those within the organisation such as managers and supervisors, and
- participate in the resolution of return to work issues in accordance with the applicable procedure.

Ideally, the employer would publicise the role and seniority of the Return to Work Coordinator within their workplace (if applicable).

Competencies of a Return to Work Coordinator

WorkSafe considers that a Return to Work Coordinator is competent if they have the required knowledge, skills or experience in order for them to perform their role.

The required knowledge, skills or experience include:

- knowledge of the employer's return to work obligations under Part VIIB of the Act including the employer's obligation to provide the worker with pre-injury or suitable employment for the duration of the employer obligation period to the extent that it is reasonable to do so
- an understanding of the role of the Return to Work Coordinator
- an understanding of the steps that employers should take following a work-related injury
- an understanding of the rights and obligations of injured workers
- an understanding of how to plan a worker's return to work, including the steps required to provide pre-injury or suitable employment
- an understanding of which people the employer is required to consult with during the return to work process and the steps involved in this consultation process

- an ability to communicate with the diverse range of people involved in the return to work process
- knowledge of where support, information and guidance is available and an ability to seek this assistance and guidance when appropriate
- an understanding of the importance of maintaining the confidentiality of the worker's private information in accordance with the Act and applicable privacy legislation and how to do this
- an understanding of the procedure to be used by the workplace (agreed or specified by Ministerial Direction) when resolving a return to work issue
- an understanding of the functions of the Return to Work Inspectorate and their role in enforcing compliance with Part VIIB of the Act
- knowledge of the Victorian worker's compensation scheme, and
- knowledge of the functions of WorkSafe in relation to return to work.

Ideally, these competencies would be reflected in the Return to Work Coordinator's position description.

Developing Return to Work Coordinator competencies

There are many ways in which Return to Work Coordinators can attain the skills, knowledge and experience they require.

1. Training

Complete a two day WorkSafe endorsed **Role of a Return to Work Coordinator** training course – this is a facilitator-led course offered by approved training providers. This course addresses all Return to Work Coordinator competency requirements. For details about applicable costs, duration and your nearest approved training provider, visit rtwtraining.com.

Other injury management and Return to Work Coordinator focused training is also available through the Personal Injury Education Foundation pief.com.au.

2. Resources

The WorkSafe website worksafe.vic.gov.au has a section dedicated to Return to Work.

You can also review other relevant WorkSafe material:

- *Return to work coordination – The basics you need to know.*
- *What to do if a worker is injured – A guide for employers*
- *Compliance Code 1 of 4: Providing employment, planning and consulting about return to work*
- *Compliance Code 2 of 4: Return to Work Coordinators*
- *Compliance Code 3 of 4: Return to work information*
- *Compliance Code 4 of 4: Cooperating with labour hire employers about return to work.*

3. Register

Join the Return to Work Coordinator register to keep up to date with latest developments, new publications and tools. You can also find out about events and training opportunities. Visit rtwtraining.com to register.

4. Mentoring

Seek mentoring from an experienced Return to Work Coordinator (within or outside your own workplace).

5. Networking

Participate in networking activities within or outside your own workplace and talk with others that have experience in or are currently managing workers compensation claims, occupational rehabilitation services or return to work processes.

Attend networking forums, such as the WorkSafe **Employer Return to Work Networks**, and participate in workers' compensation and injury management discussions. Visit the WorkSafe website to find out more about the Return to Work networks.

6. General

Register your interest in and attend events such as WorkSafe Week, WorkSafe information sessions and injury management and workers compensation seminars and conferences. Access relevant internet sites and journals and talk to other employers or injured workers to learn from their experiences.

Return to Work Coordinator personal liability

No personal liability attaches to a Return to Work Coordinator where the Return to Work Coordinator has performed in good faith within the scope of his or her role as a Return to Work Coordinator. In this situation, any liability that arises out of an act or omission of the Return to Work Coordinator will attach to the employer. However, this limited protection does not extend to circumstances in which the 'person' appointed as a Return to Work Coordinator is also the employer.

Employer penalties

Employers who breach their return to work obligations risk prosecution and financial penalties equivalent up to 180 penalty units for a natural person and up to 900 penalty units for a body corporate per offence. For more information about the value of penalty units, please refer to worksafe.vic.gov.au.

Further information

For more information about employers' return to work obligations, please:

- visit our website worksafe.vic.gov.au
- call the WorkSafe Advisory Service on **(03) 9641 1444** or freecall **1800 136 089**
- email info@worksafe.vic.gov.au
- **WorkSafe publications:**
 - What to do if a worker is injured – A guide for employers*
 - Return to work coordination – The basics you need to know*
 - Who's who in the claims process*
 - Compliance Code 1 of 4: Providing employment, planning and consulting about return to work*
 - Compliance Code 2 of 4: Return to Work Coordinators*
 - Compliance Code 3 of 4: Return to work information*
 - Compliance Code 4 of 4: Cooperating with labour hire employers about return to work*
- contact your Agent
- contact your industry group representative.

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