

# Return to work program (RTWP) – An employer’s guide

Returning to work is an important step in your injured worker’s recovery. A return to work program (RTWP) is a program for assisting an injured worker to return to work in a timely, safe and durable way.

## Your legal obligation

The Workers Compensation and Injury Management Act 2023 (Act) and the Workers Compensation Injury Management Regulations 2024 (Regulations) include various provisions in relation to an employer’s obligations to establish and implement a RTWP when required.

The Act and Regulations include fines for non-compliance.

Under the Act, you are able to seek assistance or transfer your obligation to establish a RTWP to us, as your insurer. You may request this by contacting your Claims Consultant.

## What is included in a RTWP?

A RTWP must be in the approved form by WorkCover WA, which includes:

- details of the worker’s pre-injury position and hours;
- the worker’s current work capacity and restrictions;
- the duties and hours your worker will do when returning to work, and where the duties will be undertaken (with you or a host employer); and
- what you are required to do to enable them to return to work safely.

## Who is involved in a RTWP?

When required to establish a RTWP, you must give the worker an opportunity to participate and take reasonable steps to ensure that they agree with the content of the program(s).

A RTWP may be developed in consultation between you and the worker, ensuring it is consistent with the worker’s medical certification, or also involve the worker’s treating medical practitioner.

Other parties, including workplace rehabilitation consultants, other treatment practitioners, and us as your insurer, can also be part of this consultation process.

## When is a RTWP required?

The Act requires that an employer establish a return to work program in circumstances such as ‘as soon as practicable’ after:

- the injured worker is certified with a partial incapacity for work;
- the injured worker’s treating medical practitioner is supportive of a RTWP; or
- Orders are made by an Arbitrator.

If the treating medical practitioner of your worker amends a certificate of capacity or modifies in writing the restrictions on the work that the worker is considered capable of doing, then you must, as soon as practicable after becoming aware of the amendment or modification, amend the worker's RTWP to take account of the amendment or modification.

## For further assistance

If you encounter difficulties identifying suitable modified duties for your worker, or if they report problems completing the duties in their RTWP, please do not hesitate to contact your claims consultant so we can help.

## Five step process

There are 5 key steps to completing, implementing and managing a RTWP.

1. Identify work capacity and restrictions
2. Identify roles, responsibilities and the RTW goal
3. Identify duties available
4. Gain agreement
5. Implement, review, and manage the RTWP

### 1 Identify work capacity and restrictions

Work capacity may be described as your worker's medically assessed ability or restrictions in performing their duties at work. This may be related to a physical injury or a psychological/psychiatric disorder.

A worker's work capacity is outlined in the certificate(s) of capacity issued by their treating medical practitioner. In some circumstances, a further opinion may be sought from another medical practitioner, for instance in the context of an independent medical examination.

Where the work capacity and restrictions are clear you can use this information to guide the development of suitable duties and the RTWP.

If the certificate of capacity is unclear, or not specific about what the restrictions are, you may, if the worker has consented to their treating medical practitioner discussing their claim and return to work options with you (for example by signing the consent authority in their claim form) contact the treating medical practitioner and seek clarification. You may also provide the treating medical practitioner with a list of potentially suitable restricted duties and an outline of the Worker's pre-injury role to request their specific views on the matter can improve the feedback you receive. Your injured worker should be consulted to ensure they agree on the duties, as they can also discuss these duties with their treating medical practitioner at their next medical appointment.

Alternatively, you may arrange a return to work case conference (which may be attended by the worker, with or without a support person, their treating medical practitioner, you, us, and an approved workplace rehabilitation provider) whereupon the parties can discuss:

- the workplace, the worker's duties and the worker's return to work opportunities;
- the types of duties you can provide while the worker has work restrictions and the workplace support the worker will need to fulfil those types of duties;
- any modifications which may be required to the workplace or work equipment;
- any barriers that are, or may be, impacting the worker's return to work;
- whether to develop or modify a return to work or injury management activity or goal specified in a certificate of capacity or return to work program.

Whilst claiming workers compensation, your worker must provide up to date certificates of capacity to support any incapacity (and need for treatment). If they have not, please request they arrange an appointment with their treating medical practitioner to obtain one, or contact us for further advice.

## 2 Identify roles, responsibilities and the return to work (RTW) goal

### Roles and responsibilities

In drafting the RTWP using the approved form by WorkCover WA, you must detail the parties involved as well as their expectations throughout the period of the program. This includes expectations of work duties, hours of work, and any actions required to enable the worker to return to work (which may include, for example, providing alternative duties, modified work equipment, or adjusting hours to allow participation in treatment and other rehabilitation appointments).

Detailing this information sets the worker's expectation as to compliance with the program, review of progress, and scheduling around their hours of work. Where possible, we recommend the worker attend appointments outside of work hours or as negotiated with you.

As part of this process, you also need to nominate the person responsible for reviewing and monitoring the worker's return to work progress, referred to as the program coordinator in the RTWP. This is usually a line manager, supervisor or HR manager.

### RTW goal

The RTWP must include a RTW goal, which may be:

- same employer / same duties;
- same employer / modified duties;
- same employer / new duties;
- new employer / new duties; or
- other workplace rehabilitation options.

In our experience, most plans include the RTW goal of returning the injured worker to their pre-injury role and employer (Same Employer / Same Duties goal).

The RTW goal may be determined in collaboration with your worker and their treating medical practitioner. We recommend ensuring the goal is as specific as possible, for example, "Mr Smith is to return to work on pre-injury duties as a waiter in the XYZ Cafe."

If the worker is ultimately unable to return to their pre-injury duties as a result of their compensable injury, then you may explore whether you are able to offer a permanently modified role or a permanent alternate role within your workplace. Please speak to your claims consultant for assistance in these instances.

## 3 Identify duties available

To assist you in the preparation of your worker's RTWP, it may be helpful to consider the following:

### a) List the pre-injury duties your worker does as part of their pre-injury role

Compile a list of the worker's pre-injury duties to provide a clear picture of the goal of the RTWP (i.e. where possible, to get them back to their previous duties).

### b) List the physical requirements for each pre-injury duty or task

Break each task down into its components and how they are carried out. Then identify the associated physical demands.

For example:

Describe Task X - i.e. vacuuming	Identify the physical demands
7kg vac pac and pushing chairs of up to 5kg	Weights to be lifted, pushed or transferred
Up to 45mins continuously	Repetitions and durations for tasks
Standing and walking continuously	Postures adopted
Hot, humid, night shift, Gloves, safety boots etc	The environment and necessary personal protective equipment.

**c) Identify which parts of the Worker’s pre-injury duties can be undertaken within their certified work capacity**

These duties are the ones you should include first in the RTWP because they are the most feasible.

**d) When required, identify if any parts of the worker’s pre-injury duties can be modified to be undertaken within their certified work capacity**

These duties are usually the next most feasible for the worker to undertake in their RTWP.

**If the identified modified pre-injury duties are not suitable, identify alternative duties in your organisation that are within the worker’s certified work capacity**

If you need to find more duties to meet the goal of the RTWP, consider those that are meaningful and productive, as well as aligned to the worker’s education, skills, and work experience.

If the duties are different or are at a new worksite, the worker may require training in the safety procedures for the new tasks and any unfamiliar equipment.

**Summary of things to consider when identifying available duties**

To identify modified duties that may be suitable, it may be helpful consider the following:

Consideration	Example	Yes or No
Can the pre-injury duties be modified or redesigned?	Rotate tasks more frequently; break task down into smaller components	
Can the work practices be changed?	Introduce ergonomic equipment or lifting aids	
Can the worker work with a co-worker to complete a task?	Apprentice to help lifting items that exceed lifting capacity	
Are there any training opportunities?	Mandatory training due or training gap in their pre-injury role has been identified	
Can the worker perform all duties for modified hours?	Shorter or split working day or starting later, breaks in between work days, Mon & Wed & Fri.	
Can the same job be performed in a different area/place?	Workshop instead of being in a dusty outdoor environment	
Can the worker supervise new staff?	Induction training or mentoring/coaching	
Are there any options at an alternative work site?	Different facility owned by the same company	
Can the worker learn new skills to complete other tasks?	Improve computer skills or train on a piece of new equipment to improve versatility	
Are there any special projects with which the worker can assist?	Review current safe work practices and making sure they are up to date for pre-injury role	

You may also consider the following:

Consideration	Example
Specific individual needs of the worker	Can they drive, do they need mobility assistance, or do they have cultural or linguistic needs?
The personal circumstances of the worker which may impact their ability to perform the modified duties	Transport or family obligations
Impact on the workload of other workers	Excessive workload physical and mental, consider impacts on productivity targets and staffing levels
Training required before undertaking the modified duties	Induction in a new area, training for any new equipment

#### e) Identify actions you and your worker need to take to enable the return to work

There may be actions required by you and your worker to enable the RTWP to be successfully and safely implemented. Detail these, including who is responsible, and ensure they are completed by the date agreed to. For example, “(HR) to arrange gloves for Ms X prior to RTWP commencing” or “(Line Manager) to induct Mr Y in the safe working ways in warehouse B”.

### 4 Gain agreement

The Regulations require that an employer must take reasonable steps to ensure that a worker agrees with the content of a RTWP established for the worker. Accordingly, the injured worker should sign their agreement on the final page of the RTWP.

Once you have agreement, you must provide a copy of the current RTWP to your worker and their treating medical practitioner. We also request that you provide us a copy of the document. You may also provide a copy to other parties, as appropriate, such as the worker’s supervisor or treatment providers.

Note, the above applies to the original RTWP and any amended version(s), if applicable.

### 5 Implement, review, and manage the RTWP

The RTWP must indicate the person responsible for reviewing and monitoring the RTW, referred as the program coordinator in the document.

All sections of the RTWP approved form by WorkCover WA need to be considered and completed. This ensures the expectations are clear over the period of the RTWP.

Once the RTWP is established you must proceed to implementation in a timely manner.

Regular check-ins with your worker and their supervisor is appropriate to ensure the program is progressing and the parties have the support they need.

We recommend reviewing the RTWP on a regular basis to ensure your worker continues progressing toward pre-injury duties in a timely manner. At a minimum, this must happen **after every review** with the treating medical practitioner, as detailed in the RTWP, as an updated certificate of capacity is issued at that stage.

If the treating medical practitioner of your worker amends a certificate of capacity or modifies in writing the restrictions on the work that the worker is considered capable of doing, then you must, as soon as practicable after becoming aware of the amendment or modification, amend the worker’s RTWP to take account of the amendment or modification.

\*This guide has been designed to provide general information only and is not intended as a substitute for any legislation or resource to which it refers. You should not act or omit to act on the basis of anything contained herein. In relation to any particular matter you should seek legal advice where appropriate.