

Return to Work Coordinators

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 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 the return to work part of the Act¹.

A person is competent to assist the employer to meet their obligations under the return to work part 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 the return to work part 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 the return to work part 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 doctor or healthcare provider, an occupational rehabilitation provider (if involved), the case manager from your WorkSafe Agent and the worker's representative (where one has been nominated by the worker)
- monitor the progress of an injured worker's recovery and potential to return to work
- ensure that an injured worker is given access to occupational rehabilitation services where appropriate
- 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

1. Section 197(1)

2. Section 197(2)

Appointing a Return to Work Coordinator

An employer's obligation to appoint a Return to Work Coordinator depends on their rateable remuneration.

- Employers with rateable remuneration of **\$2 million or more*** must have a Return to Work Coordinator appointed at all times.
- Employers with rateable remuneration of **less than \$2 million*** must 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

For Return to Work Coordinators to perform their role, they require an appropriate level of seniority. Seniority is often a term used to describe an individual's position or their length of service in the workplace compared with other staff. For a Return to Work Coordinator however, seniority refers to the coordinator's delegated authority to perform their duties. This means that their role is defined and recognised by the employer and they have the delegated authority to perform their role. The authority includes but is not limited to:

- making return to work related decisions and progressing workers' return to the workforce
- identifying and proposing suitable or pre-injury employment on behalf of the employer
- liaising with all relevant people in the business about return to work related matters, including managers and supervisors
- acting as the employer's point of contact for all parties involved in the return to work process. This includes but is not limited to the injured worker, the worker's representative (if one has been nominated), the Agent, the injured worker's doctor or healthcare provider, an occupational rehabilitation provider and a WorkSafe Return to Work Inspector
- participating in the resolution of return to work issues

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

Competencies of a Return to Work Coordinator

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

- knowledge of the employer's obligations under the return to work part of the Act
- understanding the role of the Return to Work Coordinator
- understanding the benefits of early, safe and sustainable return to work outcomes
- understanding the steps that employers should take following a workplace injury
- understanding the rights and obligations of injured workers
- understanding how to plan a worker's return to work, including the steps required to provide pre-injury or suitable employment
- understanding who employers are required to consult with during the return to work process and the steps involved in this consultation process
- ability to communicate with the diverse range of people involved in the return to work process
- knowledge of where relevant support, information and guidance is available and an ability to seek this assistance and guidance when appropriate
- understanding the importance of maintaining the confidentiality of the worker's private information, based on the *Accident Compensation Act 1985*, *Information Privacy Act 2000*, *Health Records Act 2001*, and how to do this
- understanding the procedure to be used by the workplace (agreed or specified by ministerial direction) when resolving a return to work issue

*The \$2 million refers to all workplaces in the previous policy period. This amount is indexed annually. For the current threshold, call your WorkSafe Agent, go to worksafe.vic.gov.au or call the WorkSafe Advisory Service on (03) 9641 1444 or freecall 1800 136 089

- understanding the functions of the Return to Work Inspectorate and their role in enforcing compliance with the return to work part of the Act
- knowledge of the Victorian workers' compensation scheme
- knowledge of the functions of WorkSafe and, if relevant, self-insurers

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.*

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 Network**, 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.

Where to get more information

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

- visit our website worksafe.vic.gov.au
- refer to the 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*
- contact your WorkSafe Agent
- call the WorkSafe Advisory Service on **(03) 9641 1444** or freecall **1800 136 089**
- email info@worksafe.vic.gov.au
- contact your industry group representative