

Department of Justice and Attorney-General

Workers' Compensation Regulator

Guidelines for standard for rehabilitation

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The standard for rehabilitation

These guidelines are for employers who are required under section 228 of the *Workers' Compensation and Rehabilitation Act 2003* (the Act), to assist or provide a worker who has sustained an injury, with rehabilitation for the period for which the worker is entitled to compensation.

The guidelines are to assist employers understand the important role they play in assisting an injured worker in the recovery from injury and returning to work (RTW).

Insurers also undertake a key role in the rehabilitation and RTW process and have specific legislative requirements detailed in the Act.

REHABILITATION – OVERVIEW

While the ongoing management of workers' compensation rehabilitation is usually facilitated by the insurer, employers will benefit by playing an active role in assisting a worker's recovery. Support by the employer in the development and implementation of a rehabilitation and RTW plan is a key to a successful outcome.

A rehabilitation plan should be developed with input from the employer, injured worker, the insurer and other relevant medical providers. Strategies used in rehabilitation plans must be reviewed and evaluated at regular intervals as a case progresses. If an employer has concerns with implementing a proposed plan these concerns should be resolved as a priority without delaying the rehabilitation or RTW process.

The employer has a vital co-ordinating role in managing workplace issues such as informing managers, supervisors and co-workers of the existence of a rehabilitation program. It is important for a successful rehabilitation program that individual roles at the workplace are clearly defined so plans are implemented effectively.

Returning injured workers to the workforce can be a challenging role for an employer and requires co-ordination and problem solving skills as each individual's path to recovery is different. Each worker will approach a rehabilitation program from a different perspective and will require various levels of support from the employer

Every worker who is participating in a rehabilitation program needs to be treated with respect and equity.

EARLY WORKER CONTACT

Early contact with an injured worker is one of the key principles of successful rehabilitation. Optimal results for rehabilitation are achieved when a worker is contacted as quickly as possible following an event or notification of a workers' compensation claim being lodged.

The role of the employer is to establish contact with the injured workers as soon as possible, and put in place strategies that informs the worker that the employer will assist in their recovery. The clear intent of these strategies are an early RTW or maintaining an injured worker at work.

DOCTOR'S APPROVAL

Building a relationship and obtaining information from the worker's treating doctor is important to the success of a rehabilitation and return to work plan. The treating doctor should be made aware of the employer's support for rehabilitation and early RTW.

The role of the employer is to communicate with and inform the treating doctor of the role or the worker, job task analysis and the availability of suitable duties. This valuable background

information will enable a doctor to consider what roles the injured worker can safely undertake at the workplace and assist the doctor when considering rehabilitation and RTW options.

REHABILITATION AND RTW PLAN

The Rehabilitation and RTW plan details the processes to be followed, maps the recovery path for the injured worker and considers when appropriate opportunities for RTW can be actioned.

A plan is developed by consultation with the insurer, worker, employer, the treating doctor, allied health providers and any party engaged by the insurer or the employer to assist in the worker's rehabilitation and RTW.

Because each rehabilitation case and RTW plan will be different it is important that individual plans are created specifically for each worker. If the plan is to be updated information from the treating doctor needs to be obtained to ensure that the plan remains consistent with the worker's needs.

A Rehabilitation and RTW Plan usually includes-

- Clear and appropriate objectives with considerations of how these objectives will be achieved;
- Details of rehabilitation activities required to meet the objectives;
- Time frames for expected stages of recovery and RTW opportunities;
- When and by whom reviews will be undertaken to assess the injured worker's progress;
- How and when relevant parties will be informed of progress; and
- If a suitable duties program or a return to the previous role is planned how this will be achieved at the workplace and how the worker and employer will be advised.

The employer's role in assisting the implementation of various stages of rehabilitation and RTW plans is vital to achieving a successful outcome. Support from the employer will assist the injured worker understand that their RTW is a priority for the employer. A planned approach demonstrates an employer's ongoing commitment to achieving a RTW outcome for the injured worker. Assistance from the employer as a plan progresses may require the allocation of responsibilities to certain individuals at the workplace. This will ensure all elements of a plan are well implemented at the workplace.

SUITABLE DUTIES PROGRAM

If a worker cannot immediately undertake their pre-injury work demands consideration can be given to the development of a suitable duties program. Suitable duties also known as light or alternative duties are meaningful job tasks selected from the injured worker's usual job or another role. They are agreed between the worker and the employer and take into account the worker's usual job, age, education and training, work experience and the nature of their injury

Suitable duties are used when an injured worker can do some work but can't do all of their usual day-to-day jobs. Suitable duties aim to return the worker to their pre-injury job and are suited to the worker's injury and stage of recovery. They take into account restrictions or other information provided by doctors or allied health providers.

The purpose of the suitable duties program is to:

- increase work tolerance
- increase capacity to perform jobs with specific physical demands
- improve physical endurance
- normalise attendance patterns and work behaviours.

Suitable duties use the workplace environment as a way to safely upgrade an injured worker's fitness. The short term goal of a worker's suitable duties program is to increase the hours they can work and the long term goal is for them to return to their full time normal duties.

When completing the suitable duties program the following should be considered-

- Objectives of the overall program.
- Tasks and duties to be performed by the worker. These are usually informed by a medical practitioner
- Days and hours to be worked.
- Restrictions or limitations for the injured worker
- Start, completion and review dates for the SDP

The role of the employer is the facilitation and co-ordination of the suitable duties program at the workplace. Supporting the injured worker and monitoring progress will be vital to the success of the program. The employer will also have to manage the expectations of other workers by explaining the need for a suitable duties program.

REHABILITATION AND RETURN TO WORK COORDINATOR (RRTWC)

The RRTWC plays an important role in facilitating actions detailed in a plan at the workplace. The position liaises with the insurer and injured worker assisting the worker to successfully meet any challenges when returning to the workplace.

The RRTWC role includes:

- communicating with workers as soon as possible following an injury to assess rehabilitation needs and to notify relevant parties
- coordinating the worker's return to work
- advising senior management on rehabilitation and RTW issues
- developing the suitable duties program with the worker, insurer and employer
- ensuring the suitable duties program is consistent with the current workers' compensation medical certificate or injury report
- letting the insurer know as early as possible if they need to assist or intervene.

The role of the employer is to support the RRTWC in the workplace. Having a RRTWC trained and adequately resourced by an employer will assist an employer maintain a high standard of workplace assistance when rehabilitation and RTW programs are undertaken.

CONFIDENTIALITY

Information obtained on a workers' condition should be stored in a secure environment. For example an employer should keep a separate file for each individual and should contain copies of all relevant documents including medical and allied health reports, correspondence, RTW plans, suitable duties programs, case notes and related accounts.

How information will be kept confidential during the development, implementation and when plans are finalised needs to be carefully considered. It is important that employers are aware of current legislative standards concerning record keeping, release of information and privacy provisions.

DISPUTE RESOLUTION PROCESS

An employer should inform a worker of the appropriate dispute resolution procedure should the worker not agree with elements of a proposed workplace rehabilitation, return to work plan or suitable duties program.