

RTW PLANS - AN EMPLOYER'S GUIDE

Returning to work is an important step in your injured worker's recovery. To ensure this is done in a safe and effective way, it's important to implement a return to work plan (RTWP).

What is a Return To Work Plan?

A RTWP outlines:

- the work duties and treatment/recovery activities your worker will be doing when they are back in your workplace.
- what you as the employer are required to do to effectively support them to recover and return to work safely.

A RTWP is developed by you either in consultation with your worker and their supervisor (ensuring it is consistent with the medical certification) or directly with the worker's doctor. Other parties including rehabilitation consultants, other treatment practitioners and your insurer can also be part of this consultation process.

When is a RTWP required?

The requirements for different states and territories are outlined below.

WA	As part of the Western Australian governing legislation, the Workers' Compensation and Injury Management Act 1981, every employer is required to establish a RTW Plan for a worker following a compensable injury, as soon as practicable (Section 155C) when a worker is certified with a partial capacity for work or their treating doctor requests a plan be put in place.
NT	Section 75 of the Return to Work Act 2015, requires that an employer must give a proposal in writing for a return to work plan to the worker within 7 days after the employer becomes aware that the worker's total or partial incapacity is likely to exceed 28 days.
TAS	The Workers' Rehabilitation and Compensation Act 1988(the Act) places a number of obligations on the employer in the management of a work injury. A Plan is required when your injured worker has or is likely to have more than 5 days of either total or partial incapacity for work. This Plan must be in place by the 28th day following the initial incapacity, however, a Plan can still be developed within this timeframe and implemented if required. A Plan is no longer required once they are completing full pre-injury duties.
ACT	Under the Workers Compensation Act 1951, the employer must provide suitable work for an injured worker. Under section 109 an employer must establish and maintain a Return-to-work Program. A RTWP should be developed in consultation with your injured worker and in accordance with your Return-to-work Program. It will assist with early commencement of injury management whether your injured worker is at work or off work. It will record the provision of suitable duties for your injured worker.

You will need to review and update the RTWP at or immediately following each medical review to ensure the plan is current and reflects any changes in capacity for work and treatment.

The RTWP must also be revised if you receive feedback that specific duties are inappropriate or aggravating the worker's symptoms.

For further assistance

If you encounter difficulties identifying suitable duties for your worker, or they report any problems completing the activities in their RTWP please contact your Claim Consultant as soon as possible so they can help.

Five step Return To Work Plan 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 plan, review treatment progress and manage the RTWP ongoing

1. Identify work capacity and restrictions

Work capacity is your worker's medically assessed ability to perform particular duties. Their capacity will be outlined in a medical certificate from your worker's doctor.

- Where the work capacity and restrictions are **clear** you can use this information to guide the development of duties and the plan.
- If the medical certificate is **unclear**, or not specific about what the restrictions are, contact the doctor and seek clarification. Providing the doctor with a list of suitable restricted duties and an outline of their pre- injury role can improve the feedback you receive. Alternatively, you can ask your worker if they agree to you or a workplace representative attending the doctor with them to discuss what duties you can provide. However, you need to respect their decision if they are not comfortable with this and find an alternate means of communicating with the doctor.

At all times throughout the rehabilitation process your worker needs to have an up to date medical certificate. If they do not, please get them to arrange another appointment with their doctor to obtain one.

2. Identify roles, responsibilities and the RTW goal

Roles and responsibilities

In drafting the RTWP, it is important to detail who will be involved in its management as well as expectations of all parties involved throughout the period of the plan. This will include performance expectations of work duties and any actions required to support the worker in their return to work, along with participation in treatment and other rehabilitation appointments.

Detailing this information sets the worker's expectation of compliance with treatment, review of progress and scheduling for suitable duties and hours of work. Where possible, the worker should attend appointments outside of work hours or as negotiated with you.

As part of this process, you will also need to nominate the person responsible for reviewing and monitoring the worker's return to work progress. This may be a line manager, supervisor or HR manager.

RTW goal

Most plans will include the long-term goal of returning the injured worker to their pre-injury role at your company - often known as Same Employer/Pre-injury duties. However, where they are not able to return to this, you will need to identify a new or modified role as the RTW goal.

Determine the RTW goal together with your worker and their doctor, ensuring it 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."

3. Identify duties available

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. 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 their pre-injury role can be undertaken within their medical restrictions

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

d. Identify if any parts of their pre-injury role can be modified to be undertaken within their medical restrictions

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

e. If the modified pre-injury role is not suitable, identify alternative duties in your organisation that are within their medical restrictions

If you need to find more duties to meet the goals of the RTWP, identify those that are meaningful and productive, as well as aligned to the worker's age, education, skills and work experience. If the duties are different or are at a new worksite, the worker should be trained in the safety procedures for the new tasks and any unfamiliar equipment.

Summary of things to consider when identifying available duties

To identify 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 PI role	

Then consider the following:

Consideration	Example
Any special needs of the worker	Can they drive, do they need any mobility assistance or is English a second language?
The personal circumstances of the worker which may impact on ability to perform suitable duties	Transport or child care
Impact on the workload of other workers	Excessive workload physical and mental, consider impacts on productivity targets and staffing levels
Training required in suitable duties tasks	Induction in a new area, training for any new equipment

f. Identify actions you and your worker need to take to enable the return to work

There will be actions required by you and your worker to enable the RTWP to be successfully and safely commenced. 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

All parties - you, the worker and their doctor - must indicate their agreement and understanding of the RTWP by signing and dating the document.

Once you have agreement, provide a copy of the current RTWP to your worker, their doctor, their supervisor, any treatment consultants and your insurer.

Note, any change in circumstances that results in alteration of the duties described in the plan must be agreed by all parties. That means revising the RTWP, having all parties sign it and again providing copies to all relevant parties.

5. Implement plan, review treatment progress and manage the RTWP ongoing

The RTWP must indicate the person responsible for reviewing and monitoring the injured worker’s return to work process.

All elements of the attached template need to be considered and completed so it is clear what is expected of everyone at all times over the period of the plan.

Once the RTWP has been agreed, you may proceed to implementation.

Regular check-ins with your worker and their supervisor need to occur to ensure the plan is progressing as expected and the duties are suitable (not too hard or too easy) and they have the support they need.

You should review the RTWP on a regular basis to ensure your worker continues to progress toward pre- injury duties in a timely manner. At a minimum, this should happen **at or after every review** with their doctor.

*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.

