

# Sample Information Pack for Workers

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[What to do if you are injured at work](#)

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[WorkCover NSW Medical Certificate Form](#)

*to be completed by nominated treating doctor and signed by injured worker –  
then give it to your employer ASAP.*

[Workers injury claim form - WorkCover NSW](#)

*to be completed by injured worker if requested by insurer*

[Information consent form](#)

*please complete and sign this form and give it to your employer so we can work  
together on your return-to-work*

[Confidentiality Guidelines](#)

*We may send the following letter and forms to your doctor to assist with RTW planning:*

[Sample letter for treating doctor](#)

[Sample doctor's questionnaire](#)

[Sample functional capacity checklist](#)

[Sample job analysis](#) and [sample job competency table \(template\)](#)

**Workcover NSW:** [Injured worker injury management kit](#)

Workcover NSW: [Injured worker injury management kit: Flyer](#)

Workcover NSW: [Your recovery and return to work after a workplace injury](#)

Workcover NSW: [Information for injured workers](#)

Workcover NSW: [Suitable duties: Information for employers and injured workers](#)

Workcover NSW: [Doctors and WorkCover: Your nominated treating doctor](#)

## Sample Information Pack for Workers

If you need time off due to workplace injuries ....

### How might you feel?

**If you experience a serious workplace injury or illness** you may feel overwhelmed or like life is out of control ... this is natural, and we will do our part to help these feelings to pass

### Remember

**You make a difference here;** we value the contribution you make to our team  
In most cases, **recovery from injury is better if you can get back to work quickly**

### What can you expect if you need to take time off?

**We will call you at home to see how you are going** – unless we are advised not to. If you need treatment and rehabilitation, the insurer will develop an “injury Management Plan” with you. We want you to access the treatment and rehabilitation you need. Ideally, we want you to return to your job as soon as you can. If you need to reduce your work hours or change some duties in order to gradually return to your job, we will develop a Return to Work Plan together so the pathway for you is clear. If you are not able return to your position you might have to retrain for a different job.

### What can you do?

**Make sure you report your injury as soon as possible**

**Keep in contact with us.** We care about you. We want you to let us know about your injury, any medical restrictions, surgery, and how your progress is going.

#### **Be the co-driver of your return to work plan:**

- suggest suitable duties and work hours
- attend all appointments
- tell us – as soon as you can - about any challenges when you get back to work. We can work together to develop solutions and make changes.

#### **Be the co-driver of your treatment:**

- help us to communicate with your doctor (and other treatment providers)
- follow your practitioner’s advice - do your exercises and activities to promote recovery, and restrict yourself to prevent re-injury
- attend your medical appointments

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### What to do if you are injured at work

Get medical treatment

Tell your supervisor within 24 hrs

Tell your doctor:

- you are aware of the benefits of returning to work as soon as possible,
- suitable duties can be arranged (take position statement)

If delayed return to work is needed, keep in touch with your supervisor and co-workers

Be actively involved in your plans for recovery and return-to-work

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### NSW Workcover Information For Injured Workers<sup>1</sup>

#### **YOUR RIGHTS IF YOU ARE INJURED AT WORK**

If you have a work related injury or disease and need medical treatment and/or cannot work for a certain period of time because of the injury then you can claim workers compensation.

The workers compensation system provides you with benefits and assistance to help you to recover so that you can return to work as safely and as soon as possible.

#### **WHAT WORKERS COMPENSATION COVERS YOU FOR**

The workers compensation system provides a range of benefits:

**Loss of wages** – this is paid to cover your basic wage until you are able to return to work. Initially, the weekly benefit is paid at award rate, registered agreement rate or enterprise agreement rate of pay – capped at a maximum weekly rate. The payments do not include payments like overtime, shiftwork and penalty rates.

**After six months** – your payments could drop to a statutory rate.

**Reasonable medical and other expenses** – including most medical and hospital treatments, therapies, counselling, medical tests and medication.

**Reasonable rehabilitation expenses** – covers all costs associated with your return to work including rehabilitation provider and job seeking expenses.

**Wages on returning to work** – where a return to work plan is required for your return to work your employer pays you for the hours you work and the insurer\* makes up the difference to your average weekly earnings.

**Reasonable other expenses** – including items such as travel, aids and equipment.

**Payment for permanent injuries** – you may be entitled to a lump sum payment for serious and permanent injuries.

The details of these types of benefits payment are available from WorkCover's website and other WorkCover publications.

#### **WHEN SHOULD YOUR PAYMENT OF WAGES COMMENCE?**

If you are entitled to weekly benefits, payments should commence within seven days of the insurer being notified of your injury. The insurer should also pay all reasonable medical expenses.

If you do not receive payment you can contact the WorkCover Claims Assistance Service **13 10 50** or your union.

#### **YOUR RIGHTS AND RESPONSIBILITIES**

**You, the injured worker, have the right to:**

- choose your nominated treating doctor, usually your own doctor

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<sup>1</sup> From WKCVR [Information for injured workers](#)

- choose your rehabilitation provider
- have a say in your return to work plan
- choose your treatment providers as well as occupational and/or retraining provider.

**Protection of your job** – your employer cannot dismiss you (*because of your injury*) within the first six months of your injury.

**Reinstatement** – even if you are terminated after six months and become fit for your old job within two years you can apply to be reinstated with your employer.

**These are the things that you need to do:**

- tell your employer of any injury or illness immediately
- see your doctor to arrange treatment and get a WorkCover medical certificate to give to your employer
- cooperate in plans for your return to work
- keep in touch with your employer regularly
- return to work as soon as possible in consultation with your doctor
- keep copies of all your paperwork
- comply with your injury management and return to work plans
- notify the insurer if any of your employment circumstances change.

## GETTING BACK TO WORK

It is important and a right of every injured worker to return to their normal job and quality of life.

## YOUR RETURN TO WORK TEAM

Workers, employers, doctors and insurers all have a part to play in the workers compensation system. This means that you, your doctor, your employer, and the insurer will work together to make your return to work as smooth and safe as possible. If you're a member of a union, they can help you too.

## YOUR INJURY MANAGEMENT AND RETURN TO WORK PLAN

There are two types of written plans – the injury management plan developed by the insurer, and the return to work plan developed by your employer.

Your return to work plan must be agreed to by your nominated treating doctor.

Your return to work plan includes details on:

- how many hours you can work
- types of work you can do
- medical restrictions.

### Your employer's role

Employers recognise the benefit of getting injured workers back to work and should assist in this process by:

- notifying their insurer within 48 hours of being notified of your injury
- consulting with you, your treating doctor and the insurer about your return to work plan

- organising suitable (alternate) duties for you while you are recovering from your injury
- keeping in touch with you until you recover from your injury and return to your normal duties.

#### **Your treating doctor's role:**

- arrange for necessary treatment for your injury
- complete WorkCover medical certificates
- monitor your condition regularly
- liaise with the insurer and your employer to develop the written plans for your return to work
- advise your employer about suitable duties while you are recovering from your injury
- sign off on your return to work plan.

#### **The insurer must:**

- if you're entitled to weekly benefits, start paying you weekly workers compensation benefits within seven days of being told of your injury by your employer, or advise you of the reason they are not making payments
- continue to pay your benefits on a regular and timely basis
- decide whether to accept or deny your claim for workers compensation and advise you in writing
- pay reasonably necessary medical expenses
- prepare an injury management plan in the case of an injury lasting more than seven days.

### **EMPLOYER'S OBLIGATIONS IN RETURN TO WORK**

All employers in NSW must have a written Return to Work Program describing how they will help an injured worker return to work following injury.

This program must be developed in consultation with, and agreed to by, their workers. Your employer's program should be reviewed and updated at least every two years or in response to workplace changes or legislative changes. You should request a copy of this program from your employer to help you understand how your employer will assist your return to work.

### **YOUR RETURN TO WORK PLAN**

Your return to work plan must be based on your doctor's recommendations. Your employer (return to work coordinator) or rehabilitation provider will then write a return to work plan for you. This return to work plan will be developed in full consultation with you and your treating doctor.

### **RETURNING TO WORK ON SUITABLE DUTIES**

#### **Suitable duties can be:**

- parts of the job that you were doing before the injury
- the same job, but on reduced hours
- different duties altogether.

If your doctor thinks you are fit to work but not in your normal job, your employer will liaise with you and your doctor about what work is suitable.

This plan must provide all of the details about your return to work including what you can and can't do, the medical restrictions, and the hours and days of your return to work.

## IF YOU ARE UNABLE TO GET BACK TO YOUR NORMAL JOB

Your employer, rehabilitation provider and insurer will advise of your options if you are unable to return to your normal job. The WorkCover Claims Assistance Service and your union can also assist.

## IF YOUR CIRCUMSTANCES CHANGE

If you are receiving workers compensation benefits, by law you must notify your insurer:

- if you undertake any paid or unpaid work
- if you start your own business
- if there are any changes in your employment that may affect your earnings.

Failure to provide this information may result in you obtaining benefits you are not entitled to.

This could result in you having to repay the benefits and/or potentially being prosecuted for fraud. People who commit fraud against the workers compensation system face maximum penalties of \$55,000 and/or up to two years imprisonment.

Employers and insurers who do not comply with their obligation also face fines of up to \$55,000.

## WHERE TO GO IF YOU NEED ASSISTANCE OR FURTHER INFORMATION

You may have questions about your return to work, your payments or your workers compensation claim.

Contact the following:

- your employer's return to work coordinator
- the insurer managing your claim
- WorkCover Assistance Service Ph: **13 10 50**[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
- your union, Unions NSW Freecall 1800 688 919 [www.unionsafe.labor.net.au](http://www.unionsafe.labor.net.au)

\* For the purposes of this publication 'insurer' means claims agent, self and specialised insurer.

## Disclaimer

This publication may contain occupational health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation. Information on the latest laws can be checked by visiting the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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## TERMS TO KNOW<sup>2</sup>

**Approved medical specialist** – a senior specialist, with a sound knowledge of the NSW workers compensation system, who is appointed by the President of the Workers Compensation Commission to resolve disputes about medical issues including permanent impairment.

**Claims Assistance Service** – WorkCover has established the Claims Assistance Service to help resolve any problems that may arise during the workers compensation claims process. It provides injured workers, employers and insurers with assistance regarding the payment of benefits, delays concerning treatment and medical expenses, return to work issues, and reporting of injuries.

**Independent medical examiner** – a medical practitioner, usually a medical specialist, capable of providing independent, impartial advice to workers, insurers and the legal profession about causes of the medical condition, reasonably necessary treatment, fitness to undertake suitable duties and permanent impairment.

**Injury management consultant** – a registered medical practitioner appointed by WorkCover, who assists in the return to work process when differences arise between the nominated treating doctor, the employer, insurer and/or injured worker.

**Injury management plan** – developed by the insurer in consultation with a worker and their doctor, outlines all the activities and services required for a safe return to work. It includes procedures to change a nominated treating doctor, treatment, return to work timeframes and suitable duties.

**Nominated treating doctor** – nominated by the worker to coordinate all aspects of treatment and return to work management. It is generally a worker's general practitioner (GP).

**Provisional liability** – the insurer commences provisional payments to a worker following the initial notification of an injury, without admission of liability.

**Rehabilitation provider** – an independent team of health professionals, who specialise in assessing a worker's work capacity and the workplace to develop a program to ensure a durable and safe return to work.

**Return to work coordinator** – an employee nominated by the employer to assist an injured worker return to work safely.

**Return to work plan** – a written statement of the steps to be taken to assist a return to work. It outlines details about suitable duties, restrictions and work hours. It can be written by a return to work coordinator, or by an accredited rehabilitation provider, in consultation with an injured worker and their doctor.

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<sup>2</sup> From WKCVR - [Your recovery and return to work after a workplace injury](#) pp14-16

**Suitable duties** – temporary/transitional work duties (within the meaning of section 43A of the *Workers Compensation Act 1987*) to assist in an injured worker's return to their pre-injury job.

**WCC** – the Workers Compensation Commission is an independent statutory tribunal within the justice system in NSW that provides a transparent, flexible and independent forum for the appropriate, fair, just, timely and cost effective resolution of workers compensation disputes. For further information, see [www.wcc.nsw.gov.au](http://www.wcc.nsw.gov.au)

**WorkCover medical certificate** – completed by a worker's nominated treating doctor. It indicates fitness for work, work capacity and the services required to help an injured worker's recovery and return to work. The certificate must be signed by both the worker and their doctor.

**Workers compensation benefits** include:

- payments of weekly compensation as income support
- payments for medical, hospital, rehabilitation, legal and related expenses
- payments for permanent impairment and pain and suffering
- compensation to dependents upon death from a workplace injury.

# Sample Information Pack for Workers

## Job Analysis

*If you have a workplace injury / illness, please take the job analysis for your current position with you to the treating doctor to help with consideration of suitable duties.*

Sample Job Analysis: Mental Health Worker (community participation)<sup>3</sup>

### **Purpose:**

The purpose of the role is to enable people with mental health problems to participate in community life more fully, to develop skills through community-based experiences and to develop friendships with people in the wider community through social interaction.

### **Hours of Work:**

Generally from 8-4 Mon-Fri and occasional weekends

### **Task Description:**

Provide transport for participants to attend programs

Assist participants with goal achievement such as recreational pursuits, independent travel, social and community participation etc.

Contribute to individual service planning and service co-ordination.

Complete documentation as required by the service. This will include documentation re individual plan, progress notes, incident reports, etc.

May be required to provide first aid treatment.

### **Human Factors**

Reaching:	Occasional overhead reaching, constant forward reaching.
Heights:	Floor to overhead.
Controls and displays:	Vehicles, sport or recreational equipment.
Force exertion/lift:	Frequent carrying of equipment.
Postural requirements:	Frequent standing and walking, occasional sitting, bending, kneeling, crouching.
Overall physical demand level:	Medium
Work/rest patterns:	Variable from 6-30 hours per week.
Frequency of client handling:	Physical contact is rare.
Hand & finger requirements:	Frequent bilateral fine and gross gripping.
Tools:	Trolleys, vehicles, sporting and recreational equipment, cleaning equipment.
Size of article:	Variable.
Protective clothing:	Closed-in shoes, sterile hand wipes

### **Environmental Considerations**

The working environment may consist of:

Converted house with a number of rooms for different activities

Converted office or shop area with large open area divided off for various activities.

Community locations

Car

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<sup>3</sup> Adapted from NDS Disability Sector [Job Dictionary](#)

## **Psychosocial Considerations**

A range of skills are required including:

Time management

Organisational

Positive behaviour support

Build rapport

Maintain professional boundaries

Decision making

Program design and implementation

Training skills

Communication skills with participants, carers, business, medical and allied health professionals

**DELETE / AMEND as necessary ...** *The support worker may occasionally be exposed to demanding and abusive behaviours. These behaviours may range from swearing, verbal abuse or threats or physical abuse or threats and may be directed at another participant or at the support worker directly.*

*The support worker may be working alone when such behaviours are demonstrated. A behaviour support plan will be in place for known behaviours but there are occasions when an unexpected new behaviour may be triggered.*

## **Disclaimer**

The information produced by MHCC in this publication is provided as general information only. In utilising general information about workplace health and safety and injury management, the specific issues relevant to your workplace should always be considered. This publication is not intended as a substitute for the requirements of the Workers Compensation Act, or the Work Health and Safety Act 2011.

## **Limitations of Liability**

To the best of our knowledge, the procedures described in this document reflect currently accepted practice, but cannot be considered absolute and universal recommendations. All recommendations must be considered in view of the specific example and new information that has become available since the time of writing. The authors disclaim responsibility and assume no liability for any adverse effects resulting directly or indirectly from the suggested procedures, from any undetected errors, or from the reader's misunderstanding of the text.

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