

Understanding your return to work requirements



The State Insurance Regulatory Authority (SIRA) is the New South Wales (NSW) government organisation that regulates the state's workers compensation system. It's a requirement of SIRA that all NSW employers have a return to work (RTW) program in place within 12 months of starting the business. However some employers aren't complying with this; either they're not aware of this requirement or they may not understand what they need to do to meet it. This article has been created to assist employers understand what it is they need to do, why it's important and how to best meet this requirement.

Please note this information must be read in conjunction with that provided by SIRA, it does not replace it. SIRA's website (www.sira.nsw.gov.au) contains detailed and valuable information which employers should make themselves familiar with.

What is a RTW program?

A return to work program is the formal policy that outlines your general procedures for handling work-related injury or illness. It represents your commitment to the health, safety and recovery of workers following an incident. It sounds quite simple, however unfortunately it's not always the case. And when not done well it can have a detrimental impact on the employee and employer.

The program is required to be in place irrespective of whether an employee has been injured. It's about having the plan in place for when it may be needed.

Why it's important to have a return to work program

While creating a RTW program is something you must do, it's important to understand why it's a must and how it benefits your business. A RTW program provides clarity and a clear process for the business in the event of a workplace injury. Supporting an injured worker return to work can be a challenging and sometimes stressful situation; this will be compounded if you haven't previously thought about how you'll do it. Creating a program means you've planned for the situation before it occurs.

Having a program means the business has agreed who's responsible for assisting the different aspects of an injured worker returning to the workplace. The person appointed is responsible for recovery at work. If your business reaches a certain size, a return to work coordinator needs to be appointed.

Helping your worker to recover at work may reduce the financial impact on your business and enables you to:

- > maintain the skills and knowledge of an experienced worker

- > reduce the cost of training a replacement worker
- > demonstrate to all workers that they are valued employees
- > maintain good employer-employee relationships
- > reduce the length of time your workers are away from work
- > avoid the cost of hiring new staff
- > help to comply with your legislative obligations.

In addition to the workplace benefits, businesses need to know that SIRA is taking compliance breaches seriously. SIRA can issue fines of up to \$2,000 to businesses found to not have the required program in place.

Resources to assist the process

Before the requirements of a RTW program are explained, it should be acknowledged that some businesses have found it a bit challenging to fully understand what they need to do. Therefore it's important to know there are resources and supports available to you.

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Guild Insurance (Guild) offers personalised support and guidance for those businesses who hold a workers compensation policy with Guild or Guild Early Learning. Our Injury Management Specialist, Julia Lock, will walk you through the process of creating a RTW program specific for your individual business. If you would like to take advantage of this invaluable offer of support, please contact Julia directly at jlock@guildinsurance.com.au. And further to this, when a business lodges a claim, Guild's case managers will have a discussion with the business to be sure the RTW program is in place and created for the correct business category (as described below). If it isn't, the case manager will refer them to Julia for assistance.

In addition to this, the SIRA website has a great deal of information about creating a return to work program, as well as various supporting documents to assist this process. The majority of the information needed can be found in their Guidelines for workplace return to work programs document, found at www.sira.nsw.gov.au/_data/assets/pdf_file/0008/574397/Guidelines-for-workplace-RTW-programs.pdf

What's required in the program?

The information below can be found in more detail in SIRA's guidelines mentioned above.

There are two types of requirements depending on the size of your business. These are separated into 2 categories; Category 1 employers and Category 2 employers. The table below defines which category a business fits into.

Category	Criteria
Category 1	<ul style="list-style-type: none"> > Basic tariff premium over \$50,000 a year or > Self-insured or > Insured by a specialised insurer and has over 20 employees.

Category	Criteria
Category 2 (any employers not in category 1)	<ul style="list-style-type: none"> > Basic tariff premium of \$50,000 a year or less. > Insured by a specialised insurer and has under 20 employees.

Category 1 requirements

For Category 1 employers there are four parts to implementing a RTW program, and these are:

- 1. Appoint a RTW coordinator** – this person looks after the tasks required under the RTW program, such as identifying suitable work opportunities and liaising with key people such as doctors and insurers. This person must be able to demonstrate knowledge and skills specific to this role as set out by SIRA.
- 2. Develop a RTW program** – there are eight key areas which need to be covered in the program and they are:
 - a. leadership and commitment
 - b. workplace arrangements
 - c. rights and obligations
 - d. after an incident
 - e. support for the worker
 - f. recovery at work
 - g. dispute prevention and resolution
 - h. administration.

Details on what needs to be done under each of these areas can be found on a checklist for Category 1 employers in the appendix of the SIRA guidelines document mentioned earlier.

- 3. Consult workers and unions** – this step ensures workers are involved in the development of their RTW program. Effective communication between all parties, in a way which can be understood by all, ensures everyone is able to contribute to the process.

- 4. Implement the RTW program** – the information gathered during the previous consultation step is used to finalise the program and implement it. Employers must make the workplace aware of the RTW program and review it at least every two years.

Category 2 requirements

For Category 2 employers there are three parts to implementing a RTW program, and these are:

- 1. Nominate the person responsible for recovery at work** – this doesn't need to be a return to work coordinator as with Category 1, but this person will manage workers compensation and recovery at work activities.
- 2. Develop a RTW program** – employers can develop their own program or they can customise the Standard return to work program for Category 2 employers; this can be found in the appendix of their guidelines previously mentioned. Employers must consult with their employees when developing this program.
- 3. Implement the RTW program** – this step requires the employer to inform workers of their rights and obligations under the program. The program should be reviewed at least every two years.

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