



Injured at work.

*A recovery at work
guide for workers.*



SIRA
State Insurance
Regulatory Authority

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Introduction

If you have been injured at work, this guide will help you understand what to do and what to expect during your recovery.

From when the injury first occurs, there are things you and your employer must do under NSW workers compensation law. This guide explains this and the insurance claims process. It also provides advice to help you return to work and where possible, recover at work.

Most injured workers take little or no time off work. For those that do, more than 80 per cent return to work and recover at work within the first 13 weeks.

You can choose your own doctor to act as your nominated treating doctor. This guide explains the roles of all the people involved, who provide a support team for you. This includes your employer, the insurer, workplace rehabilitation providers, doctor and other health providers.

The guide is based on research and evidence about the health benefits of work and how returning to work and where possible, recovering at work after an injury, can help with healing and recovery. This can also reduce any disruptions to you, your family, your employer and co-workers.

We know:

- the longer you are away from work, the likelihood of you ever returning to work declines
- staying active after injury reduces pain symptoms and helps you return to your usual activities at home and at work sooner
- working helps you stay active which is an important part of your treatment and rehabilitation.

Workers compensation in NSW

All employers in NSW (except exempt employers) must have a workers compensation policy.

The State Insurance Regulatory Authority (SIRA) is the government organisation responsible for regulating the NSW workers compensation system. SIRA assumed the insurance regulatory functions of WorkCover on 1 September 2015. There are three types of insurers in the NSW workers compensation system:

1. icare (Insurance and Care NSW) is a government organisation that delivers insurance and care services to people with workplace injuries under the NSW workers compensation scheme (known as the Nominal Insurer) and the NSW Self Insurance Corporation (known as SICorp).
2. Self-insurers are employers approved by SIRA to manage their own workers compensation claims.
3. Specialised insurers hold a restricted licence to provide workers compensation insurance for a specific industry or class of business or employers.

Regardless of which type of insurer is involved in your case, they all have an obligation to support you in your recovery at work and manage your claim to ensure you receive your entitlements.

More information about workers compensation in NSW can be found on page 14.

What happens after a work-related injury

If you become injured or ill at work, your employer must provide first aid (where appropriate) and you must seek medical treatment (if required).

You must tell your employer that you have a work-related injury as soon as possible after it occurs.

Your employer must provide you with their insurer's details.

Your employer is to notify the insurer about the incident within 48 hours, but you or your representative may also inform the insurer.

Generally, when the insurer has been notified, they will contact you, your employer, and if necessary, your doctor to determine how best to support your recovery. The insurer will also provide information about any payments you may be entitled to if you need time off work, are working reduced hours, and/or are in need of medical services.

For more information about making a claim go to www.sira.nsw.gov.au.

Workers compensation claim number

When your injury has been reported, the insurer will give you a reference number. This is usually referred to as a claim number. This number will appear on all correspondence relating to your claim. Make a note of the number and quote it to your doctor, treatment providers and insurer.

NSW workers compensation certificate of capacity

Your doctor provides this certificate (formerly a medical certificate) and it is the main way in which your doctor communicates with everyone in your support team.

In your certificate, your doctor can identify:

- any medical treatment you may need
- your capacity for any work (such as how much and what type of activities you can do)
- a referral to a workplace rehabilitation provider (see page 8 for more information)
- any delays in your recovery.

Your certificate should not cover a period of more than 28 days. It's your responsibility to have a current certificate so you continue to receive any weekly payments and treatment services you are entitled to.

Sharing of information

The information on the *NSW workers compensation certificate of capacity* is also used to help plan your recovery at work. When you sign the consent section of the certificate, you are agreeing for information about your injury and recovery to be shared with the insurer, your employer, other treatment providers and SIRA.

Help your doctor to help you. Provide information about your usual work duties and other short term work options to support recommendations about what you can do at work.

Weekly payments

How weekly payments are calculated

Weekly payments are based on a calculation of your pre-injury average weekly earnings (PIAWE). How PIAWE is calculated is set by legislation and the insurer will use this to determine how much you will be paid. The maximum amount is capped.

Your weekly payments are mainly affected by how many hours you are working each week and how long you have been away from work.

A higher rate is paid in the first 13 weeks to support the majority of workers who return to and recover at work. After 13 weeks, payments may be reduced depending on how many hours you are working. After 52 weeks payments no longer include shift and overtime allowances. Special requirements must apply for weekly payments to continue after 130 weeks.

Your insurer can provide more detailed information about the structure of weekly payments, or you can find out more on our website at www.sira.nsw.gov.au.

Note: This information does not apply to exempt categories of worker (police officers, fire fighters, paramedics). These workers should refer to our website for information.

Receiving weekly payments

If you qualify for weekly payments, either your employer or the insurer will make the payments. The insurer will tell you who will make the payments and how they will be made.

Provided the insurer has received sufficient information when notified of your injury, weekly payments should commence within seven days.

To receive weekly payments, you must have a current *NSW workers compensation certificate of capacity* from your doctor.

Incorrect or late weekly payments

If you don't agree with your weekly payment amount, you can apply to the insurer for a review.

If your weekly payments are late, contact the insurer immediately to avoid further delays.

You can also ask for help from:

- our Customer Service Centre
- Workers Compensation Independent Review Officer (WIRO)
- your union.

See page 15 for contact details.

The support team

There are a number of people you may come in contact with during your recovery. Each has a role in the workers compensation process and together they form a support team to help you to recover at work.

Your case manager's role

Your employer's insurer appoints a case manager who coordinates all aspects of your workers compensation claim.

Develop and maintain a positive relationship with the insurer and understand the role of each person to get the right help at the right time.

Your doctor's role

Your doctor will assess, diagnose, and treat you like any other patient. The doctor will also assess your capacity and support your recovery at work.

The workplace rehabilitation provider's role

Approved workplace rehabilitation providers are experts who can address the physical, functional, psychological and/or workplace barriers that may affect you recovering at work or returning to work.

Your employer's role

Your employer is required by law to provide suitable work (where possible) that matches your capacity and supports your recovery. Your employer will talk to you, the insurer and your doctor to understand your needs in order to provide suitable work. If you are employed by a large employer, there may be a Return to Work Coordinator, whose role is to assist with your recovery at work.

Your employer must not dismiss you because of your work-related injury within six months of when you first become unfit for work as a result of your injury.

Your role

Your role is to focus on recovery and aim to stay at work in some capacity, or return to work as soon as possible.

There are supports and services available to help you take an active role in your recovery at work and assist you as your capacity for work increases.

Further information about how the support team will work together to achieve your recovery at work goal will be included in your injury management plan.

Services to support your recovery

Medical and treatment services

You are entitled to payments for reasonably necessary ambulance, medical, hospital services and other treatments. Your doctor will make treatment recommendations in your *certificate of capacity*. You can choose your treatment provider or you can ask your doctor or the insurer to suggest a provider.

In general, approval from the insurer is required before medical and treatment services are provided. It's the responsibility of both you and your medical or treatment provider to seek approval before you start your treatment.

To ensure you receive the treatment you require without delay, some treatments can go ahead without prior approval. For example, this includes any reasonably necessary service provided within the first 48 hours after the injury and some pharmacy items prescribed by your doctor. For more information about exempt treatments see the Guidelines for claiming workers compensation at www.sira.nsw.gov.au.

When you make your initial appointment with your treatment provider, provide your claim number (as described on page 4). It's also useful if you provide a copy of your *certificate of capacity*.

The insurer may contact your doctor or treatment provider to discuss your treatment plan, clarify your needs and check on your progress throughout your treatment.

If you feel you're not improving, you should discuss this with your doctor or treatment provider. If this discussion doesn't lead to a significant improvement, contact the insurer to discuss other options.

Focus on recovery at work

Getting the most out of your appointments with your doctor or treatment provider is important for your recovery. If your treatment provider isn't familiar with what you do in your job, you can help by:

- providing a copy of your position description and/or a list of your duties
- talking about specific requirements of your job and what you can do, not just what you can't.

If you are unable to return to work, your treatment provider may be able to provide advice about activities you can do independently to continue your recovery and improve your capacity for work.

Stay active. Talk to your doctor and treatment provider about activities you can do at work and at home to assist your recovery.

Workplace rehabilitation services

A workplace rehabilitation provider can help you and your employer resolve problems. These are health professionals like occupational therapists, physiotherapists, rehabilitation counsellors and psychologists.

They can help by:

- assessing your capacity for work and the activities you can currently perform
- assessing available suitable work options
- advising about modifications to your work environment or work practices to reduce work demands, for example providing equipment to make your job easier
- working with you, your employer and your doctor to design a plan to help you recover at work
- advising about work options if you are unable to recover at work with your pre-injury employer.

The insurer will consult with you and your employer to identify and arrange referral to an approved workplace rehabilitation provider in your local area.

Other expenses

You may be covered for other necessary expenses such as travel costs to and from medical or treatment appointments or medical aids and equipment.

Discuss your entitlement to these expenses with the insurer.



Planning your recovery at work

The sooner you, your employer, your doctor and the insurer start planning your recovery at work, the greater your chances are of a successful outcome. You can start planning even if you are currently unable to work.

Setting goals

'Recover at work' simply means staying at work in some way following an injury, so you can use work to build and improve your capacity. When looking for suitable work options with your employer, the preferred goal is for you to return to the same job you had at the time of injury.

Sometimes, due to the nature of your injury or other circumstances, this is not possible. In which case, other suitable work may be your goal.

When you and your employer set your goals, you should take into consideration your doctor's estimation of your capacity for work (as described on your *certificate of capacity*).

Identifying suitable work options

Your employer is required by law to provide work that is suitable, matches your current capacity and supports your recovery at work. These duties should be as close to your normal duties as possible to maximise your recovery and minimise disruption to your usual routine at work and at home.

Duties can be offered in any of the following ways:

- the same job with different hours
- modified duties
- a different job altogether
- a training opportunity
- work at the same or different workplace
- a combination of these options.

Work with your employer to identify suitable work options. Start planning early.

When identifying suitable work options with your employer, keep the following in mind.

Physical demands

What are the physical demands of each task? For example, changing a tyre might require standing, repetitive bending, twisting your trunk and lifting and pulling heavy loads, while computer based work may require long periods of sitting, repetitive typing and sustained neck postures. Compare these demands with the doctor's assessment of your capacity as described on your *certificate of capacity*. Changing the schedule of work tasks or temporarily including more rest periods are ways of managing the physical demands of the task.

Cognitive demands

Consider the impact of your injury and any medication you may be taking, on your ability to manage the psychological, cognitive and/or social demands of the duties your employer is offering. For example, operating heavy machinery or driving should not be undertaken while taking certain medication.

Work environment

Is the environment you are returning to appropriate? Confined spaces, uneven surfaces or working alone may affect your ability to do specific tasks.

Risk management

Talk to your employer about tasks that can be eliminated or modified to improve the health and safety of the workplace.

Training/instruction

If the duties you and your employer identify are different to what would be considered your usual duties, consider whether you need extra information, training or instruction to be able to complete the duties safely.

Family and social factors

Talk to your employer if your personal circumstances are affecting your recovery at work.

Help finding suitable work

Case conference

A case conference is a meeting (either in person or over the phone) that can include some or all members of the support team. At this meeting there is the opportunity to discuss and agree what duties may be appropriate for your current capacity. Timeframes to recover at work may also be agreed.

Workplace assessment

If you and your employer are having trouble finding duties in the workplace to accommodate your current capacity, a workplace assessment can be arranged.

This involves an approved workplace rehabilitation provider assessing you while you perform a range of duties and determining your capacity to do these safely.

The findings are discussed with you, your employer and doctor, to develop a recover at work plan.

Speak to your employer or the insurer about the need for a workplace assessment.

Workplace modification and equipment

You may need a particular piece of equipment or some other workplace modification to assist you to recover at work. For more information, speak to your insurer.

Tim's story

Tim, a 39 year old brick layer, injured his lower back while working. His boss supported him to return to work and do some of his usual work part time over four weeks, while he did physio. His injury improved but the doctor said there were some tasks that would aggravate his injury, heavy lifting in particular.

Tim's employer discussed this issue with the insurer case manager and the doctor. Under the equipment and workplace modification program, SIRA paid for a hydraulic hoist to be fitted to Tim's ute at a cost of \$1,850 and an electric wheelbarrow at a cost of \$2,200.

Work trial

If you and your employer can't find any suitable work that matches your current capacity, a work trial can help overcome the problem.

In a work trial, you would be placed with a host employer for a short period of time.

This allows you to recover at work while doing duties suited to your current capacity that can be upgraded over time (no longer than 12 weeks) until you reach the required capacity to return to your employer.

A workplace rehabilitation provider will help you find a work trial host and they submit a proposal to the insurer.

John's story

John, a 42 year old painter, was working for a small company, painting houses in a new estate. He injured his shoulder and needed surgery. He was keen to get back to work, but his employer couldn't find any duties for John while his arm was in a sling.

His insurer case manager engaged a workplace rehabilitation provider who organised a work trial at a local hardware store.

Travelling by taxi to and from the work trial, John initially worked three days a week in the paint section providing advice and information to customers. As his shoulder healed, his duties increased and he was able to stock shelves with light items such as sample size paint tins.

The cost of the work trial, including travel expenses, was paid for by SIRA. John was able to return to his normal duties with his pre-injury employer within three months of his surgery.

Stay connected with your workplace. If you are unable to recover at work straight away, find ways to stay in contact with your workplace and co-workers.

Developing your recover at work plan

Your plan should focus on what you can do rather than what you can't do. When developing your plan, your employer's role is to find suitable work and duties, while your doctor's role is to assess your physical ability.

Your role when developing the plan is to:

- take part in the process
- suggest ways to modify your work demands to match your current work capacity either temporarily or permanently for example equipment, workplace modifications or work practices
- give your doctor and your immediate supervisor a copy of the plan
- advise your employer of any change to your capacity so the plan can be updated
- understand your own capacity and the duties you are able to do.

If you and your employer can't agree to the plan, discuss it with the insurer. The insurer may suggest a case conference with your employer and your doctor, or request assistance from a workplace rehabilitation provider.

Your plan may include:

- suitable work offered by your employer including details about the duties you will do
- any limitations or restrictions in relation to work duties or tasks
- specific details including days and hours of work, rotation of duties and breaks
- any support needed to assist you, such as training, supervision, assistance or equipment
- who you should contact to review your progress and discuss any difficulties you might be having

- stages or steps to gradually progress your short term duties towards your usual work duties
- the date your plan will be reviewed.

If your employer develops your plan in writing, they should give you a copy.

Take an active role in planning your recovery to avoid unnecessary delays and ensure you get better sooner.

Preparing for your return

Feeling nervous or worried about returning to work is normal for any worker who has been off work for a period of time.

Beliefs about pain

Research shows that when recovering at work an increase in pain does not always mean more damage to your injury or a worsening of your condition. If you have concerns about the impact of your duties on your pain you should discuss them with your doctor. Your employer may also seek assistance from an approved workplace rehabilitation provider.

Flare ups

You and your employer may have concerns about the possibility of flare ups during your recovery at work. It's best to start your recover at work planning early, and to gradually and consistently increase your activities over time. This approach has been shown to reduce the risk of flare ups or progression to a chronic pain condition. Assistance can be sought from a workplace rehabilitation provider and your doctor.

Have strategies to manage any flare ups of your pain. This will help ensure improvements to your work capacity continue.

Monitoring and reviewing your progress

As you recover, your capacity for work will increase. You and your employer can gradually upgrade your plan by:

- increasing your hours of work
- reducing your rest breaks or the length of the rest breaks
- reducing assistance you may be receiving to complete tasks
- requiring you to perform more work in the same time period (increasing the work pace)
- introducing new duties that involve increased physical, cognitive or functional demand.

Any changes to your duties should be supported by current medical information. A new version of your plan should be developed and distributed reflecting your current capacity and any changes to the duties you can do. Your plan must reflect all changes, even minor ones.

What to do if your plan is not working

Reviewing your plan weekly will help you and your employer identify early if the plan is not working. Your employer should act quickly to identify the problem, discuss it with the insurer and your doctor and consider taking action such as:

- a referral to an approved workplace rehabilitation provider (if not yet involved)
- a workplace assessment to review your capacity and/or identify additional duties to support upgrades in your capacity
- providing equipment or workplace modifications.

Identify and agree upon the most appropriate approach together, update the plan and distribute it to everyone involved in your recovery process.

Other programs to help you back to work

In some cases a worker may not be able to return to their pre-injury employer and/or employment. SIRA has programs to help a worker to find other work including retraining.

Training

A training sponsorship can help you develop new skills and qualifications to get a new job with your pre-injury employer or elsewhere. Retraining may involve formal study with TAFE, a university or registered training organisation.

Course fees and associated expenses such as stationery, textbooks, travel and accommodation may be covered under this program.

Transition to work program

This program provides funding to address immediate or short term barriers or needs that are preventing you from getting a job. Funding can help with things like job searching including travel costs, child care arrangements and clothing for interviews.

JobCover placement program

This is an incentive program for employers other than the pre-injury employer to take on a worker who cannot return to their pre-injury employment. Incentive payments increase according to the length of time the worker remains employed with the new employer.

For more information on support programs go to www.sira.nsw.gov.au.

Share your plan so that everyone knows how they can help.



Further information, concerns and complaints

Workers compensation in NSW

All employers in NSW (except exempt employers) must have a workers compensation policy.

The State Insurance Regulatory Authority (SIRA) is the government organisation responsible for regulating the NSW workers compensation system. SIRA assumed the insurance regulatory functions of WorkCover on 1 September 2015. There are three types of insurers in the NSW workers compensation system:

1. icare (Insurance and Care NSW) is a government organisation that delivers insurance and care services to people with workplace injuries under the NSW workers compensation scheme (known as the Nominal Insurer) and the NSW Self Insurance Corporation (known as SICorp).

The Nominal Insurer is the single largest workers compensation insurer in NSW and provides workers compensation insurance to most businesses within NSW. The Nominal Insurer contracts insurance agents to manage policies and claims on its behalf.

The five approved agents are:

- Allianz Australia Worker's Compensation (NSW) Limited
- CGU Workers Compensation (NSW) Limited
- Employers Mutual NSW Limited
- GIO General Limited
- QBE Workers Compensation (NSW) Limited.

SICorp provides workers compensation insurance to most public sector employers except those who are self-insurers. SICorp contracts insurance agents to manage policies and claims on its behalf.

The three approved agents are:

- Allianz Australia Insurance Limited
 - Employers Mutual Limited
 - QBE Insurance (Australia) Limited (QBE).
2. Self-insurers are employers approved by SIRA to manage their own workers compensation claims.
 3. Specialised insurers hold a restricted licence to provide workers compensation insurance for a specific industry or class of business or employers.

Regardless of which type of insurer is involved in your case, they all have an obligation to support you in your recovery at work and manage your claim to ensure you receive your entitlements.

For more information

The insurer or your employer will usually be your first point of contact for further information about your claim and recovery at work.

More information about workers compensation is available at www.sira.nsw.gov.au.

SIRA has a hotline for all enquiries about workers compensation claims, workers compensation insurance, and work health safety matters. You can phone us on 13 10 50.

If you have any issues about your workers compensation claim:

- Contact the insurer first. The insurer is familiar with your circumstances and trained to take action and/or escalate your concerns.
- If you have raised an issue with the insurer and are dissatisfied with the outcome or decision, you can contact the Customer Service Centre on 13 10 50. They will review your issue including whether the insurer's management of the claim is in line with workers compensation legislation.
- Contact the Workers Compensation Independent Review Office (WIRO). WIRO provides an independent complaints resolution service if you're unhappy with a decision made by the insurer. WIRO also provides funding for legal advice. For more information call WIRO on 13 94 76 or visit www.wiro.nsw.gov.au.

- If further action is required and we are unable to assist we will explain your options. Depending on the nature of your concern or complaint you may seek assistance from:
 - Workers Compensation Commission www.wcc.nsw.gov.au
 - NSW Ombudsman www.ombo.nsw.gov.au
 - Health Care Complaints Commission www.hccc.nsw.gov.au
 - your union representative.



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Disclaimer

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident third party (CTP) insurance and home building compensation in NSW. It may include details of some of your obligations under the various schemes that the State Insurance Regulatory Authority (SIRA) administers. However to ensure you comply with your legal obligations you must refer to the appropriate legislation as currently in force. Up to date legislation can be found at the NSW Legislation website 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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