

Building your return to work program

Requirement three: Rights and obligations



The purpose of this document is to support Category 1 employers with completing the third of eight key components of their return to work program.

[View our 'Eight requirements for your return to work program' guide.](#)¹

Every employer in NSW must have a return to work (RTW) program that outlines how they will help injured workers recover following a work-related injury or illness.

To meet your legal obligation, the State Insurance Regulatory Authority (SIRA) has advised that your RTW program must address eight key components. **Rights and obligations**² is the third of SIRA's eight components for category 1 employers² and it asks employers to not only detail how they will inform workers of their rights and obligations but also how they will communicate this to injured workers throughout their recovery.



Definition: Category 1 employer

Category 1 employers have an average performance premium of over \$50,000 per year, are self-insured or are insured by a specialist insurer and have more than 20 employees.

As a category 1 employer, you must have a return to work coordinator whose role is to manage the return work process of an injured worker and have a tailored RTW program for your business.

Over to you

Use this template to fulfil your Rights and obligations component for your RTW program. As each organisation is unique, your RTW program must be tailored to the needs of your organisation.

Complete our [series of RTW program templates](#) to ensure you effectively and proactively support an injured worker before an injury even occurs.

Resources



View icare's full suite of RTW program templates: [icare.nsw.gov.au/rtw](https://www.icare.nsw.gov.au/rtw)

View SIRA's [guidelines for workplace return to work programs](#) (URL in footer)

RTW guidelines reference page 11 – 12

- 1 View our guide: SIRA's 8 requirements for your return to work program www.icare.nsw.gov.au/rtw
- 2 The RTW program must show its connection to work health and safety (WHS) policies and procedures under the NSW *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2017* and where applicable the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.
- 3 **SIRA's guidelines for workplace return to work programs:** <https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/publications/help-with-getting-people-back-to-work/guidelines-for-workplace-return-to-work-programs>

Requirement three: Rights and obligations

Fill in the fields below

1. You must inform workers of their rights and obligations.

Below are some of the obligations and rights of workers:

Workers are obliged to:

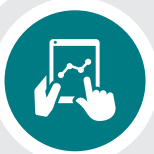
- notify their employer as soon as possible after a work-related injury occurs
- participate and cooperate in establishing an injury management plan
- carry out the actions such a plan requires of them
- authorise their nominated treating doctor to provide relevant information to their insurer or employer using the certificate of capacity, claim form or other form of authority;
- make all reasonable efforts to recover at work.

Workers have the right to:

- nominate their own treating doctor
- employment that is both suitable and, so far as reasonably practicable, the same as or equivalent to their pre-injury employment
- be consulted and involved in identifying suitable work and developing their recover at work plan
- privacy and confidentiality
- access mechanisms for resolving complaints and disputes.

Detail how these will be communicated to workers throughout the recovery at work process.

Resources



View [See SIRA's guideline](#) (step 3 - Rights and obligations) for employer and injured workers' rights.

2. Outline the responsibilities and obligations of the worker's support team.

Include:

- organisation's senior and middle management
- RTW coordinator
- insurer
- nominated treating doctor
- approved workplace rehabilitation provider and; any union representing workers.

Resources



Additional Resources:

SIRA: [A recovery at work guide for workers](#)

[Claims management guide](#)

[A workers compensation guide for employers](#)

[Workers compensation guidelines](#)

[Workers compensation guide for medical practitioners](#)

https://www.sira.nsw.gov.au/theres-been-an-injury/im-an-employer-helping-my-worker-recover/return-to-work-coordinators/whats-a-return-to-work-coordinator?SQ_VARIATION_321331=0

icare: **Fact sheet** - [What is an injury management plan](#)



Want more information on return to work?

To help navigate the return to work process, we've created resources to assist employers with understanding their legal obligations and improve return to work outcomes for their injured workers.

Visit www.icare.nsw.gov.au/rtw

Print and sign name of employer

Justin Herd

Date

Print and sign name of RTW
Coordinator

Justin Herd

Date