

We thank you for your participation in our Return-to-Work Obligations webinar in which we discussed employer and employee obligations when managing injuries in the workplace. For those who were not able to attend, we appreciate you registering to our event and hope to see you in the next webinar.

Below we have included the questions asked by our viewers in the webinar along with the answers to these questions. As some questions were personalized, we have rephrased some questions to ensure that it is generalized for your use.

Questionnaire

What accreditation is needed by providers?

A Workplace Rehabilitation Provider generally has an allied health background as their particular services require a sound knowledge of rehabilitation to help support parties involved in injury management and the claim process. Allied health backgrounds include but are not limited to physiotherapist, exercise physiology, occupational health therapist, therapist (psychologists and counsellors), chiropractors and nurses.

Different obligations between employer and claim service provider?

The claim service provider obligations in NSW in accordance with SafeWork Australia is as follows:

- The State Insurance Regulatory Authority ([SIRA](#)) is the regulator for workers compensation insurance in New South Wales (NSW) and is responsible for the administration of the NSW workers compensation legislation.
- The claim service provider must establish and maintain an injury management program and must revise the injury management program from time to time and when directed by SIRA [s43\(1\)](#) of the [Workplace Injury Management and Workers Compensation Act 1998](#).
- The claim service provider must ensure employers are made aware of their injury management obligations under the legislation and under the insurer's injury management program [s43\(3\)](#) of the 1998 Act.
- The claim service provider must within three working days of being notified that a worker has sustained a significant injury, contact the employer, worker and (if necessary) the nominated treating doctor, [s43\(3\)](#) of the 1998 Act.
- The claim service provider must develop an injury management plan in line with timeframes in the insurer's injury management program, [s45](#) 1998 Act.
- The claim service provider must consult with the injured worker, employer and nominated treating doctor in the development of an injury management plan.
- The claim service provider must commence provisional payment of weekly payments and medical expenses within seven days of being notified of an injury, unless they have a reasonable excuse for not commencing those weekly payments, [s267\(1\)](#) 1998 Act.
- The claim service provider must inform the worker that entitlement to weekly payments can be suspended if the worker does not reasonably comply with the injury management plan [s45\(4\)](#) 1998 Act.

- The claim service provider must ensure vocational retraining and/or assistance to obtain employment is provided or arranged for a worker that may reasonably lead to a real prospect of employment, [s45\(6\)](#) of the 1998 Act.

The employers' obligations in NSW in accordance with SIRA is as follows:

- have workers compensation insurance¹
- display the [If you get injured at work poster](#)
- have a documented return to work program describing the steps you will take if a worker is injured
- maintain a record of work-related injuries
- notify your insurer of all workplace injuries within 48 hours
- participate in the development of the workers injury management plan, written by your insurer, and comply with your obligations in the plan
- provide [suitable work](#) (as far as reasonably practicable) when a worker is able to return to work, either on a full-time or part-time basis²
- provide suitable work that is (as far as reasonably practicable) the same as or equivalent to the work being performed at the time of the injury².

Is there any legal requirement to have a recovery at work programme?

Yes, it is a legal requirement all businesses in NSW have an active Return to Work Program in place. A Return to Work Program is a formal policy which entails procedures for handling and managing work related injuries and illness. This is a reflection of the employer's commitment to the Work, Health and Safety of their workers when a workplace incident were to arise and their approach in managing the injury. There are two categories a business can classify as which is Category 1 and Category 2, each category of employer has different obligations required in their Return to Work Program.

For more information regarding the Return to Work Program, please refer to [Return to work programs - SIRA \(nsw.gov.au\)](#)

Is there a cost of MTC?

Our expert team is happy to provide general advice as it's an added benefit for existing members with MTA. If you would like to gauge our services to help assist with injury management, workers compensation and work health and safety matters - we can provide tailored advice, assistance and guidance. If you are interested in our services, please fill out our enquiry form and we can get back to you – [click here](#) for more details.

How do we choose MTC rather than EML?

EML is a claim service provider whose main role is to handle claims management on behalf of icare. Their role is to assess claims, confirm liability and ensure the injury management plan is adhered to. Motor Trades Care (MTC) on the other hand, offers a Care & Recover program which helps in aiding with creating and implementing custom Return to work programs tailored to the individual businesses needs. We can be appointed as your dedicated Return to Work Coordinator to assist your business in achieving return to work outcomes, risk management to minimise workplace injuries, injury management and to help reduce financial impact on your business.

Are there time limits for an employee to notify of an injury?

Yes, an employee should be notifying their employer immediately or within 48hrs of a workplace incident occurring. A worker will then complete an incident form and inform their employer so they may notify the claim service provider. The penalty associated with late notification of an injury is the first week wages will not be compensable from the claim service provider which the

Who is SIRA?

State Insurance Regulatory Authority (SIRA) role as a government organisation is to administer and regulate NSW workers compensation system and regulator for Workplace Health and Safety (WHS) in NSW.

How do we contact SIRA?

For Workers Compensation matters, you may contact SIRA on 13 10 50 (9-5, Monday to Friday) to lodge a complaint about a worker, employer, medical provider and/or a direct matter regarding workers compensation or an unresolved enquiry.

Do small businesses have to have a current certified first aid person?

Yes, all businesses require the following:

- Trained first aid person (first aiders)
- First aid facilities
- At least one first aid kit

For more information regarding First Aid, please refer to [Model Code of Practice: First aid in the workplace \(safeworkaustralia.gov.au\)](https://www.safeworkaustralia.gov.au)

Will there be a summary of this session available?

Yes, the webinar, presentation slides and flow chart will be available for you to utilise. All information including the link our YouTube is accessible on our website at www.motortradescare.com.au

Do the qualification as a Return-to-Work Coordinator ever expire?

No, as there is no specific qualification required to be a Return to Work Coordinator. SIRA offer a free Return to Work coordination training course which provides an overview into the role and obligations of a Return to Work Coordinator. Category 1 employers must have a dedicated Return to Work coordinator with the relevant skills, training and experience to be able to manage and perform the functions of injury management on behalf of the employer. Category 2 employers are recommended to nominate someone to be responsible for workplace injury matters. If your business is in need for an experienced Return to Work Coordinator who can achieve return to work outcomes efficiently, you may appoint Motor Trades Care to manage all your workplace injury needs.

For more information in regards to Return to Work Training, please refer to [What's a return to work coordinator? - SIRA \(nsw.gov.au\)](https://www.sira.nsw.gov.au). If you require our services, please see below our contact details for our assistance.

If you are waiting for an independent review for an employee for fit for duty, are you able to get their GP to do a fit for work certificate or should they remain on light duties until review conducted by an independent review?

An independent medical review generally appointed by the client service provider for either liability purposes, review of ongoing medical treatment and/or diagnosis. This is dependant on case-to-case scenario, regardless of the reasoning – a worker is still required to upkeep their Certificate of Capacity by seeking review with their Nominated Treating Doctor (NTD) in which they would be able to update the Certificate of Capacity with the appropriate restrictions according to their injury. Once the Independent Medical Examination report is provided with certain recommendations in treatment, restrictions and duties. It can be given to the NTD to update the findings on the Certificate of Capacity.

Need our assistance?

MTC is a specialist motor trades industry WHS consultancy that is backed by the Motor Traders' Association of New South Wales.

We work exclusively to create safe workplaces and to promote wellbeing within the motor trades industry. Like your business, we are part of this industry and live and breathe it.

We have created a unique Care and Recover Program framework designed to integrate with your business to deliver effective and efficient end-to-end injury management and recovery at work solutions.

We offer speciality services where we can act on your behalf for return-to-work coordination responsibilities which will save you money, resources and time while meeting your obligations. Therefore, you can focus on other aspects of the business.

If you need help or support with improving the work health and safety in your business or you want to learn more about how the MTC Care and Recover Program can be tailor made to meet your business circumstances.

“Creating a great safety work culture can help prevent injuries from occurring in the workplace. In the event an incident were to occur, always be prepared for the unknown.”

-Dianne Capulong



If you are interested in engaging our services with our Return to Work specialist, please contact Dianne on **0426 538 851 or dianne@motortradescare.com.au**

Visit our website motortradescare.com.au