

SIRA's eight requirements for your return to work program



The purpose of this document is to give employers a snapshot of their requirements to fulfil their return to work program.

[View the return to work program guidelines¹](#) from the State Insurance Regulatory Authority (SIRA) for full details.

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

Return to work program at a glance

As per the Workers Compensation legislation, you must comply with your return to work program obligations. To do this, you must:

1. Appoint a return to work coordinator — view SIRA's [RTW coordinator training](#)²
2. Develop a return to work program
3. Consult workers and unions and
4. Implement the return to work program.

As defined by SIRA, a return to work (RTW) program is *the formal policy that outlines general procedures for handling work-related injury or illness. It represents an employer's commitment to the health, safety and recovery of workers following an incident.*

To meet your legal obligations, your return to work program must cover these key components:

1. Leadership and commitment
2. Workplace arrangements
3. Rights and obligations
4. After an incident
5. Support for workers
6. Recovery at work
7. Dispute prevention and resolution
8. Administration

Category 1

Category 1 is an employer with an Average Performance Premium (APP) of more than \$50,000 and over 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.

Category 2

Category 2 is an employer with an average performance premium of \$50,000 or less and/or 20 employees or less.

A category 2 employer can use SIRA's [standard return to work program](#)³, or customise this template to suit your organisation (ensuring all key areas are covered).

Please note: SIRA's terminology is Basic Tariff Premium (BTP), while icare's is Average Performance Premium (APP). These have the same meaning and you may see them used interchangeably.

¹ <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>

² <https://www.sira.nsw.gov.au/sirartwelearning/modules/how-to-use-the-portal/who-is-this-training-for>

³ <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>

Below are the eight requirements needed to fulfil your return to work program

1. Leadership and commitment

1.1 State the employer's commitment to helping workers recover at work

1.2 Show program's connection to WHS policies and procedures

- Ensure a link to your safe work procedures for all tasks that expose workers to risk
- Involve workers in decisions about their health and safety
- Train all workers to do their jobs safely
- Ensure all workers know how to report and fix safety problems
- Provide resources and equipment to perform their duties safely.

1.3 Detail how the organisation will develop a positive culture that promotes recovery at work

Consider how you will:

- develop a positive culture that promotes recovery at work
- foster positive attitudes towards workers recovering at work
- promote the health benefits of good work.

2. Workplace arrangements

2.1 List the RTW coordinator's name, contact details, role, resources and authority

2.2 Nominate an approved workplace rehabilitation provider and give their details

The RTW coordinator should consult with workers and any industrial union representing them in order to nominate an approved workplace rehabilitation provider. There is a [list of approved providers](#)¹ on the SIRA website, or the insurer can assist you.

2.3 Describe arrangements for consulting with workers and unions

2.4 Outline communication and training arrangements for the program

2.5 Detail monitoring, review and display arrangements

Document how you will:

- keep track of how the RTW program is performing
- ensure you regularly review the RTW program
- display the RTW program so everyone can access it
- notify everyone about it
- ensure you regularly review the RTW program.

3. Rights and obligations

3.1 Describe how workers will be advised of their rights and obligations

As an employer, you must inform workers of their rights and obligations. The RTW program must detail how these will be communicated to workers throughout the recovery at work process. This can be communicated electronically, verbally or as outlined in the RTW program.

¹ <https://www.sira.nsw.gov.au/information-search/rehab-provider>

3.2 Outline obligations of the support team

The key people in this support team include management within your organisation, the RTW coordinator, the insurer, the nominated treating doctor, unions representing workers and approved workplace rehabilitation providers, among others. The role of the support team is to ensure the best possible return to work outcome for a worker.

4. After an incident

4.1 Detail the organisation's arrangements for providing first aid

The RTW coordinator should consider what injuries are at risk of occurring within the workplace and plan accordingly.

4.2 Describe the register of injuries and how workers will be trained on how to use it

You must keep a register of injuries detailing all work-related injuries or illnesses. The register can be electronic or paper-based. It can be stored anywhere, as long as it's available for workers to complete. Once completed the information should be kept secure.

4.3 Include procedures for workers to report an injury and the employer to notify the insurer

When an incident occurs, there are steps that both an employer and a worker must follow.

Following a work-related injury or illness:

- a worker must report the injury as soon as possible, and
- the employer must notify the insurer within 48 hours.

4.4 Explain the process for reporting notifiable incidents to the work health and safety regulator

The RTW program must explain how you will inform SafeWork NSW of any notifiable incidents².

5. Support for a worker

5.1 Outline a plan to maintain positive communication with a worker and their support team

Understanding a worker's situation and offering them support will positively affect their response to their injury and enable successful recovery at work.

The RTW program needs to include how you will maintain positive communication with workers. Some examples of how to do this include:

- discouraging blame – focus on a worker's recovery and how to prevent similar occurrences in future rather than who was at fault.
- asking appropriate co-workers to stay in touch (with the worker's consent) – having considerate interactions with co-workers during recovery can help make the experience more positive and improve their return to work outcomes.

Early, regular and open communication is central to the support the RTW coordinator provides a worker.

5.2 Describe how the employer will request the worker's informed consent

Use SIRA's draft consent form³ as a guide for the collection and disclosure of personal and health information.

² <https://www.safework.nsw.gov.au/safety-starts-here/safety-support/investigating-and-reporting-incidents/investigating-and-reporting-incidents-accodions/notifiable-incidents>

³ https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/forms/employers-and-claims/Standard-consent-form_release-of-personal-info.pdf

5.3 Give procedures for managing weekly payments

When a worker has a work-related injury, it is important that they receive correct weekly payments promptly and in line with their usual pay cycle.

5.4 State the employer's commitment to participating and cooperating in developing an injury management plan

As an employer, you must participate and cooperate with the injury management plan for a worker.



Resource: [View the injury management program](#)⁴

6. Recovery at work

6.1 Describe the plan for identifying and providing suitable employment

The RTW program must outline the policies and procedures you have in place to provide suitable work, such as:

- who is responsible for identifying suitable work
- when you will engage a workplace rehabilitation provider
- how you will resolve issues about suitable work.

6.2 Outline procedures for developing and maintaining a recover at work plan

The RTW program should outline how you will develop and what will be included in a worker's recovery at work plan. For example:

- goal of the recovery at work plan
- duties, hours and proposed upgrading
- who should have a copy of the plan
- how you will monitor progress and communicate with the worker
- how you will review and update the plan.



Resource: [View SIRA's draft recover at work plan tool](#)⁵ to develop a worker's recover at work plan.

6.3 Describe how the employer will manage the dismissal of injured workers within NSW law

For example:

- an employer cannot dismiss a worker due to a work-related injury, within six months (or the length of any accident pay in the worker's award or agreement) after the worker first becomes unfit for employment
- if an employer dismisses a worker because of a work-related injury, the worker may be able to apply to be reinstated within two years of dismissal
- if an employer replaces a dismissed worker within two years, they must inform the replacement worker that the dismissed worker may apply to be reinstated.

An employer must also ensure the RTW program complies with other laws related to dismissal.

⁴ <https://www.icare.nsw.gov.au/employers/employer-obligations/return-to-work-programs/medium-to-large-employers>

⁵ <https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/publications/help-with-getting-people-back-to-work/recover-at-work-planning-tool>

7. Dispute prevention and resolution

7.1 Detail the plan for preventing and resolving disputes

To prevent and resolve disputes, your RTW program must detail:

- how you will prevent disputes
- processes you will use to resolve disputes about injury management, suitable work or recover at work planning
- how you will advise workers of the workplace dispute resolution arrangements and formal dispute mechanisms available.

7.2 Explain how the employer will advise workers of formal and informal mechanisms for resolving disputes

Workers with an enquiry can contact the Independent Review Office on 13 94 76.

If an employer has an enquiry about the dispute process, they can call the State Insurance Regulatory Authority on 13 10 50.

8. Administration

8.1 Include procedures for keeping records and maintaining confidentiality

It is important to include procedures for keeping records and maintaining confidentiality. An employer has obligations when collecting, using and disclosing a worker's personal and health information.



Resource: [SIRA RTW program checklist](#)⁶

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

⁶ https://www.sira.nsw.gov.au/__data/assets/word_doc/0007/323872/RTW-program-checklist-Cat-1-employers.docx