

Overview of Injured and/or Ill Worker's Return to Work Legislative Obligations S93CA and S93CB

S93CA and **S93CB** outline an injured and/or ill workers' legislative obligation for return to work, from date of incapacity and to 130 weeks.¹

S93CA(3)(a) and **S93CB(3)(a)** outlines where a worker has no current work capacity, is entitled to receive weekly payments only if the worker –

- (i) makes every reasonable effort to participate in an occupational rehabilitation service or a return to work plan; and
- (ii) makes every reasonable effort to return to work in suitable employment; and
- (iii) participates in assessments of the worker's capacity, rehabilitation progress and future employment prospects when requested to do so from time to time by the employer or self-insurer or the Authority.

S93CA(3)(b) and **S93CB(3)(b)** outlines where a worker has a current work capacity, is entitled to receive weekly payments only if the worker

- (i) participate in an occupational rehabilitation service or a return to work plan; and
- (ii) return to work in suitable employment at the worker's place of employment in co-operation with the employer and the Authority or with the self-insurer (as the case may be); and
- (iii) where the worker's employer cannot provide suitable employment, makes every effort to return to work in suitable employment at another place of employment; and
- (iv) participates in assessments of the worker's capacity, rehabilitation progress and future employment prospects when required by the employer or self-insurer or the Authority.

S93CA(4) and **S93CB(4)** outline that if a worker does not make reasonable effort to participate, entitlement to further weekly payments shall cease and determine.

¹ For further information contact your RTW Coordinator, and/or Agent Case Manager, and/or union or legal representative.

