Western Australia

Workers' Compensation Code of Practice (Injury Management) 2005

Compare between:

[24 Oct 2023, 00-b0-02] and [01 Jul 2024, 00-c0-00]

Western Australia

Workers' Compensation and Injury Management Act 1981

Workers' Compensation Code of Practice (Injury Management) 2005

Part 1 — Preliminary

1. How to refer to this code

This code is the *Workers' Compensation Code of Practice (Injury Management) 2005*.

2. When this code commences

This code comes into operation on the day on which the *Workers' Compensation Reform Act 2004* section 118 comes into operation.

3. To whom this code applies

(1) Part 2 applies to each employer.

(2) Part 3 applies to an employer whose worker suffers an injury compensable under the Act unless —

(a) the worker has returned to the position held by the worker immediately before the injury occurred; and

(b) the worker has a total capacity to work in that position.

Part 2 — Injury management systems

4. Injury management system to be written

The employer has to ensure that an injury management system is described in writing.

5. What an injury management system has to include

The document describing the injury management system has to include —

(a) a description of the steps the employer will take when an injury occurs at the employer's workplace; and

(b) details of the person who is to have the day to day responsibility for the injury management system, and how to contact the person.

6. Implementation of an injury management system

The employer has to ensure that a copy of the document describing the injury management system is made available to any of the employer's workers who requests a copy of the document.

Part 3 — Return to work programs

7. Establishment of a return to work program

(1) The employer has to give a worker who suffers an injury compensable under the Act an opportunity to participate in the establishment of a return to work program for the worker.

(2) The employer has to take reasonable steps to ensure that the worker agrees with the content of the worker's return to work program.

(3) The return to work program has to be described in writing.

8. What a return to work program has to include

(1) The document describing the return to work program has to include —

(a) the names of the injured worker and the employer, and any other details needed to identify them;

(b) a description of the goal of the program;

(c) a list of the action that has to be taken to enable the worker to return to work, identifying who has to take each action; and

(d) a statement as to whether the worker agrees with the content of the program.

(2) If the employer becomes aware that the treating medical practitioner has, either in a medical certificate or otherwise in writing, modified the restrictions on the work that the worker is considered to be capable of doing, the employer has to ensure that the worker's return to work program is changed to the extent, if any, that is appropriate because of the modification.

(3) Unless the change is made in the circumstances described in subclause (2), the employer has to take reasonable steps to ensure that a worker agrees with any change to the worker's return to work program.

(4) The employer has to ensure that any change to a worker's return to work program is described in writing.

9. Implementation of a return to work program

(1) The employer has to ensure that each of the worker and the treating medical practitioner is given —

(a) a copy of the document describing the return to work program; and

(b) a copy of the document describing any change that is made to the worker's return to work program.

(2) The employer has to take reasonable steps to ensure that the action listed in the return to work program is taken in a timely manner.

Notes

This is a compilation of the *Workers' Compensation Code of Practice (Injury Management) 2005*. For provisions that have come into operation see the compilation table. ~~For provisions that have not yet come into operation see the uncommenced provisions table.~~

Compilation table

Citation	Published	Commencement
Workers' Compensation Code of Practice (Injury Management) 2005	27 Sep 2005 p. 4387-90	14 Nov 2005 (see cl. 2 and *Gazette* 31 Dec 2004 p. 7131 and 17 Jun 2005 p. 2657)

~~Uncommenced provisions table~~

~~To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.~~

~~Citation~~	~~Published~~	~~Commencement~~
~~*Workers Compensation and Injury Management Act 2023* s. 622 assented to 24 Oct 2023~~		**This code was repealed by the *Workers Compensation and Injury Management Act 2023* s. 622 (No. 21 of 2023) on 1 Jul 2024 (see s. 2(d) and S**

© State of Western Australia ~~2023~~2024.
This work is licensed under a Creative Commons Attribution 4.0 International Licence (CC BY 4.0).
To view relevant information and for a link to a copy of the licence, visit www.legislation.wa.gov.au.
Attribute work as: © State of Western Australia ~~2023~~2024.
By Authority: GEOFF O. LAWN, Government Printer