

your employer must take all reasonable steps to provide you with suitable employment, or to assist you to find such employment. In some cases, it will not be appropriate or possible for you to return to the same job. Where this happens, your employer will need to consider how they can help you to return to work in alternative ways.

Do I have to return to work? What if I don't feel that I'm ready?

If your injury or disease is fully recovered (as assessed by a legally qualified medical practitioner nominated by your employer), you are no longer entitled to workers' compensation and must return to work. In these circumstances, if you fail to return to work, you will not be paid.

Sometimes it is difficult to return-to-work after injury, especially after a long period away. If you are nearing recovery and feel anxious about the prospect of returning to work, you should raise your concerns with your rehabilitation provider. They should be able to help you to overcome or address these concerns.

It is important at this stage to ensure you, your rehabilitation provider and employer all agree on a suitable process for your return to work.

What happens if my injury is aggravated by my return-to-work?

As soon as you notice any sign of discomfort or aggravation to your injury, you should notify your employer or ship's master. If your return-to-work is unsuccessful because you have aggravated your condition or sustained further injury, you may need to stop work and return to workers' compensation until such time as you are determined fit for work.

Can I appeal about the way in which my rehabilitation program is being handled?

It is the role of your rehabilitation provider to encourage you to raise any issues about the way that your rehabilitation is being conducted. They will listen to your concerns and try to address them wherever possible, including by speaking with your employer, people at your workplace and/or medical providers.

However, if your employer makes a decision in relation to your rehabilitation and return to work, you may ask your employer in writing to reconsider that decision. You must do this within 30 days of your employer's decision. Your request must set out your reasons for asking your employer to reconsider the decision. Your employer must reconsider your claim within 60 days of receipt, or

a longer time frame set by the Authority.

As soon as practicable after the reconsideration your employer must provide you with a notice setting out the terms of, and reasons for the decision, and a statement to the effect that you may apply to the Administrative Appeals Tribunal (AAT) for review.

The AAT is responsible for reviewing the merits of decisions made under the Seafarers Act. Decisions of the AAT are legally binding and enforceable.

How can I contact the Seacare Authority?

You can contact the Authority by:

Telephone: 02-6275 0070

Facsimile: 02-6275 0067

Email: seacare@comcare.gov.au

Website: www.seacare.gov.au

Post: Seacare Authority
GPO Box 9905
CANBERRA ACT 2601

Visit: Level 1, 14 Moore St
CANBERRA ACT (appointments essential)



Australian Government

Seafarers Safety, Rehabilitation
and Compensation Authority

SEAFARERS REHABILITATION AND COMPENSATION ACT 1992

REHABILITATION AND RETURN TO WORK

This brochure provides an outline of rehabilitation and return-to-work processes for employees.

What is rehabilitation and return-to-work?

If you are unfortunate enough to be injured at work or suffer from a work-related disease that results in an absence from work, it is important that you return to your normal life, including your normal working life, as quickly as possible and in way that protects and promotes your health. It is well established that early intervention helps early recovery.

Depending on the nature of your injury or disease and the length of time required for recovery, it may be appropriate that you, your employer and a rehabilitation provider develop an agreed rehabilitation program. The purpose of the program is to help you and your employer to manage all aspects of your rehabilitation and transition back to work. It involves many facets including planning for recovery and treatment to assist your healing from injury or disease.

Return to work is another aspect of the rehabilitation process. It is about getting you back to work, preferably to the same job you were undertaking prior to your injury or disease. This should be a managed process, which is undertaken in a way that does not expose you to further risk of injury.

What happens if I am injured at work or contract a work-related disease?

There are four basic steps.

1. Notification

If you are injured at work or contract a work-related disease, you must notify your employer in writing of your injury or disease, loss of, or damage to, property or medical expenses incurred by you. This must be done as soon as you become aware of the injury, loss or damage. You may notify your employer through the ship's master. (See the brochure *Employee Rights and Responsibilities*)

2. Claim Lodgement

If you wish to make a claim for compensation and/or rehabilitation, you will need to complete a claim form and lodge it with your employer as soon as practicable after the injury has occurred or you become aware of it. (See the brochure *Employee Rights and Responsibilities*)

3. Assessment

If your injury or disease results in an impairment or incapacity for work and lasts, or is expected to last 28 days or more, your employer must arrange for an assessment of your capacity to undertake a rehabilitation program. This must be done within 28 days after the employer receives notice of your injury or disease.

4. Implementation

If you are assessed as being capable of undergoing rehabilitation, your employer will consult with you in relation to the selection of a rehabilitation provider and the development of a rehabilitation program. When this is done, you will start your rehabilitation in accordance with the program.

When am I entitled to assistance with rehabilitation?

The Seacare Authority acknowledges that early intervention is important in a successful rehabilitation program.

The *Seafarers Rehabilitation and Compensation Act 1992* (Seafarers Act) establishes a statutory framework to rehabilitate seafarers who are away from work because of a work-related injury or disease which lasts or is expected to last 28 days or more. In these cases, your entitlement to access the statutory rehabilitation process is virtually automatic. In the case of a work-related injury or disease which might not necessarily last 28 days or more, you might consider that rehabilitation services would help your recovery or return-to-work. In this situation you may ask your employer to assist in relation to your recovery and return to normal duties, although the Seafarers Act does not guarantee such assistance.

Who undertakes an assessment about my capacity to undergo rehabilitation?

Your employer will arrange the assessment, which must be made by:

- a legally qualified medical practitioner nominated by the employer; or
- a suitably qualified person (other than a medical practitioner) nominated by the employer; or
- a panel comprising legally qualified medical practitioners or other suitably qualified persons (or both) nominated by the employer.

Do I have to participate in an assessment about my capacity to undergo rehabilitation?

Yes. If your employer asks you to undergo an examination, you are obliged to participate. If you refuse to participate in the assessment without reasonable excuse, or you obstruct the examination, your rights to compensation and to institute or continue proceedings under the Seafarers Act will be suspended until the examination takes place. If your rights are so suspended, compensation is not payable in respect of the period of suspension.

Who pays for the assessment?

Your employer will pay for the cost of the assessment and your examination, and will reimburse you for reasonable travel expenses as set out in the Seafarers Act.

What happens with the assessment?

Where your capacity to undertake a rehabilitation program has been assessed, the person or persons who conducted the assessment must give your employer a written report. The report must specify, where appropriate, the kind of program which you are capable of undertaking and contain any information relating to the provision of a rehabilitation program for you that your employer may require.

What happens after my assessment?

If you are assessed as capable of undertaking a rehabilitation program, your employer must consult with you in relation to the selection of a rehabilitation provider and the development of a rehabilitation program. Your employer will then make arrangements with the rehabilitation provider for the provision of an appropriate rehabilitation program.

What is a rehabilitation program?

A rehabilitation program is a plan to manage your rehabilitation and, where possible, your return to work, and your treatment plan. This might include medical, dental, psychiatric and hospital services, physical training and exercise, physiotherapy, occupational therapy and vocational training. It is important that all parties effectively communicate in relation to a rehabilitation program so everyone clearly understands what is agreed – teleconferencing or face-to-face meetings may be appropriate depending on the circumstances.

Who pays for my rehabilitation?

Where your injury lasts 28 days or more and you have been assessed as capable of undertaking a rehabilitation program, your employer must pay for the cost of the program and reasonable travel expenses. Your employer will also pay reasonable costs for alterations to your residence or place of work, modifications to your vehicle or any article used by you, or any aids or appliances, including repairs, which are reasonably required having regard to the nature of your impairment and/or the requirements of the rehabilitation program.

Will I continue to receive workers' compensation when I am undergoing rehabilitation?

Generally, yes, although this will depend on the nature of your rehabilitation program and possibly other factors such as undertaking suitable alternative employment or accepting a superannuation payment.

Do I have to participate in rehabilitation?

It is in everyone's best interest — especially yours — that rehabilitation be commenced as early as possible. If you are found to have the capacity to commence rehabilitation, you must participate in the rehabilitation program developed for you.

If you refuse to participate, your rights to compensation, or to institute or continue proceedings under the Seafarers Act in relation to compensation, are suspended. These rights will be suspended until you commence the rehabilitation program.

When can I return to work? What if there is no work available?

You can return to work as soon as you are assessed as fit for work by legally qualified medical practitioner nominated by your employer.

If you are undertaking or have completed a rehabilitation program,