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## RETURNING TO WORK

### AFTER A WORKPLACE ACCIDENT: WHAT TO EXPECT?

*This article is brought to you by Slater and Gordon.*

*By James Casey, Principal Lawyer.*

If you are one of the thousands of Australians who are injured at work each year, you may have to spend weeks or even months away from your job.

Recovering from an injury and managing with a reduced income can be extremely stressful.

Victoria has its own workers compensation scheme, better known as WorkCover. You may be entitled to have some of your wages and medical expenses covered by WorkCover, provided you have made a WorkCover claim, and that claim has been accepted. (Refer to our previous article from May “**Making a WorkCover Claim**” for further details).

Whilst you are off work recovering from your injury, and providing your recovery is going well, you might begin to think about returning to work.


#### **How do I know when I’m ready to go back to work?**

You should discuss with your medical specialist your desire to return to work. Your medical specialist will determine when you are “medically” cleared to return to work duties.

#### **What is the usual process for returning to work?**

How you return to work will depend on:

- Your injury
- The type of work you do.

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Your return to work may be a gradual process, and planning it will involve:

- You
- Your GP
- Your employer
- Your WorkCover Insurer

It is likely that your WorkCover Insurer may arrange for an occupational therapist to visit your workplace and give recommendations to your GP.

### **Is it normal to feel worried about returning to work?**

Yes – it is completely normal to feel uneasy about returning to work. Seek guidance from your GP and/or medical specialist if you are feeling anxious about making your return. Getting back to work and into a routine is great for your mental health and rehabilitation.

If you have problems when you do return to work, speak with your doctor who can assist with ensuring the return to work plan is suitable.

### **What is my employer required to do?**

Your employer is obliged to keep the same job open for you that you had before you were injured. However, your employer is only legally required to keep your job open for a minimum of 52 weeks from the date you commenced time off work. After this 52 week period passes, your employer has no legal requirement to keep your job open if you cannot return to your full pre-injury duties by this time, and may be able to lawfully terminate your employment.

If you are able to do some work, but not all of your previous duties, your employer may provide you with suitable modified duties.

### **What if I can't do my old job?**

Unfortunately, sometimes an injury will mean you can no longer do your job. If you can't return to the same job (for example, if you're a scaffolder and you've injured your knee and are no able to climb ladder anymore), your employer isn't responsible for finding you a new job.

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If this happens, WorkCover may arrange for you to:

- Retrain in a skill that will allow you opportunities to work again (for example, teaching or driving machinery)
- Be employed for a period of time by a host employer

Both of these options allow you to get back into a routine, earn money, and develop new skills and in some cases you may be able to return to your original employer afterwards.

### What if I'm suffering psychologically as a result of being off work?

If you are out of work for a long period of time because of your injury, you may begin to feel isolated, bored and frustrated, all of which can lead to emotional and psychological suffering. You may experience anxiety and depression, which sadly, is not uncommon. It is important that you discuss this with your GP, who can refer to see a mental health professional for further treatment. If you develop what is known as a 'secondary psychological injury', this may be incorporated into your WorkCover claim.

WorkCover also offers adjustment to injury counselling, which can give you strategies for coping and help support you during your rehabilitation process.

### How can Slater and Gordon Lawyers help me?

Slater and Gordon have expert workers compensation lawyers located in each of our 16 offices across Victoria. We can help you at any stage of your workers compensation journey.

We can make sure your rights are protected and can easily navigate the WorkCover process. This includes providing advice on whether you might be able to make additional claims for compensation through a "no fault" permanent impairment benefit or common law claim. We can also investigate if you're entitled to benefits under your superannuation fund or insurance policy.

As a client of Slater and Gordon, you will also have access to our [free in-house social work service](#) who can put you in touch with relevant organisations to discuss financial or mental health assistance.

This article was submitted by James Casey, a Principal Lawyer of Slater and Gordon's Victorian Workers Compensation team based in our Melbourne and Reservoir offices. James commenced at the firm in 2007, and is passionate about providing help to people who have suffered from work-related sickness or injury, and assisting in getting justice, compensation as well as the support they need and deserve.

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- Motor Vehicle Accident Claims
- Asbestos Claims
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- Medical Law
- Public and Product Liability
- Estate Litigation
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