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Purpose

This document provides guidance to assist with managing Workers who have a work-related injury or illness to promote recovery in the workplace, assist the Worker to return to pre-injury duties as soon as possible and to meet the University's Workers Compensation obligations.

Scope

This document applies to all Leaders, Supervisors, Workers, the Health and Safety Team and Return to Work Coordinators.

Definitions and Acronyms

- **Executive Committee** means the Vice-Chancellor, the Deputy Vice-Chancellors, the Pro Vice-Chancellors, the Chief Operating Officer, Chief People and Culture Officer and the Chief Financial Officer, the University Secretary and the President of Academic Senate.
- **Worker** is a person identified as a 'deemed worker' under the [Workplace Injury Management and Workers Compensation Act 1998](#), who is employed by the University under a contract of employment. Workers are commonly referred to as Staff Members in other University policies and procedures.
- **Employer** means University of Newcastle (the University).
- **Injury Management** means the provision of prompt and appropriate medical treatment of an injured Worker, support of recover at work programs to assist and promote recovery in the workplace, where possible, and monitoring of progress until the goal is achieved.
- **Leader/Supervisor** is any member of the University who is responsible for supervising staff and/or undergraduate or postgraduate students and/or for leading research projects.
- **Nominated Treating Doctor (NTD)** is the doctor responsible for treating an injured or ill Worker and who makes recommendations regarding fitness for duty. Further information on the role and responsibilities of the NTD are available on the [SIRA](#) Website.
- **Return to Work (RTW) Coordinator** is a person responsible for workers' compensation administration and coordination of the injury management and recovery at work process. The Health and Safety Team includes qualified, experienced RTW Coordinators who provide this service for the University.
- **Recover at Work** means the University's process for managing Workers with work related injuries and illnesses to facilitate their recovery in the workplace, where possible, and return to pre-injury duties. They are aimed at helping a worker remain in the workplace in some capacity via the provision of suitable duties, so they use work to build and improve their capacity following an injury or illness.
- **Recover at Work Plan** means a written plan outlining the return to work goal, responsibilities, and the steps to achieve these.
- **SIRA** means State Insurance Regulatory Authority (SIRA), the Government organisation responsible for regulating the NSW workers compensation system.
- **Workplace** means any recognised or defined area, location or vehicle where Workers carry out their work.
- **Workplace Injury** means a personal injury arising out of or in the course of employment in respect of which compensation is payable under the Workers Compensation Legislation.
- **Workplace Illness** means any acute or chronic illness or disorder other than a workplace injury, caused by exposure to environmental factors associated with the workplace e.g. hearing loss, respiratory disease or skin disorders.

- **Workplace Rehabilitation Providers** are external providers engaged by the insurer to assist Workers to recover at work.
- **Workers Compensation Legislation** refers to:
 - [Workplace Injury Management and Workers Compensation Act 1998 No. 86 \(NSW\)](#) and the instruments under that Act.
 - [Workers Compensation Act 1987 No. 70 \(NSW\)](#) and the instruments under that Act.
 - [Workers Compensation Regulation 2016](#).

The University Commitment

The University of Newcastle and Senior Management recognise the value its workers provide to the organisation. In the unfortunate event that an Worker sustains a work related injury or illness, the University is committed to providing a caring and efficient Recover at Work Program with the aim of restoring the injured Worker to the fullest physical, psychological, social and vocational usefulness of which they are capable, consistent with their pre-injury status.

The University is committed to:

- Educating all Workers about the Return to Work Program and process and the importance of early notification of injury via the Injury Hotline, Phone 4033 9999 (x39999) and press 4.
- Educating injured Workers and Supervisors about the health benefits of recovering at work and working with all key stakeholders to develop the most appropriate plan for the injured Worker.
- Developing a culture that promotes recovery at work by fostering positive attitudes towards Workers recovering in the workplace.
- Returning an injured Worker to work as soon as practicable, subject to medical recommendations.
- Maintaining the confidentiality of rehabilitation records in accordance with privacy provisions.

Notification

- a) When a Worker becomes injured or ill at work, where appropriate they will be provided with immediate first aid and if required, supported to seek medical treatment. For more information please refer to [Health & Safety Guideline 7.2 First Aid](#);
- b) A Worker with a work injury shall advise their Supervisor at the first available opportunity.
- c) The injured Worker should complete a report in the [online Incident Management System \(AIMS\)](#) as soon as reasonably practicable following the injury. Where the Worker is unable to do this, the Worker's Supervisor should complete it on their behalf.
- d) The Worker or Supervisor should notify the Health and Safety Team on the Injury Hotline, phone 4033 9999 (x39999) and press 4, as soon as possible when an injury requiring medical treatment occurs. This allows timely support for the Worker, assistance to the work area and contact with the Nominated Treating Doctor (NTD) to provide advice regarding the Injury Management and Recover at Work programs.
- e) The RTW Coordinator will notify the University's Workers' Compensation insurer of the Injury or Illness within 48 hours, as well as the direct Supervisor and relevant member of the Executive Committee.
- f) The RTW Coordinator will contact the Worker within one business day and provide the claim number, information including next steps and the SIRA [Injured at Work guide](#);
- g) Incidents will be investigated in line with [Health and Safety Guidelines: HSG 7.1 Incident Notification and Investigation](#).

- h) If the injury or illness is the result of a 'notifiable incident' the University will notify SafeWork NSW on 13 10 50 immediately. A [notifiable incident](#) is a:
- death
 - serious injury or illness
 - dangerous incident

Refer to [Health and Safety Guidelines: HSG 7.1 Incident Notification and Investigation](#) for the steps the University will take in these circumstances;

Medical Response

- a) The injured or ill Worker should notify the Nominated Treating Doctor (NTD) that the injury or illness is work related.
- b) The NTD should issue a SIRA Certificate of Capacity/Certificate of Fitness and a copy of this, along with any referrals for investigations or specialists, need to be forwarded to the RTW Coordinator as soon as practicable following the appointment – email usafe@newcastle.edu.au – emailed photographs of the documents will be accepted;
- c) Approval for some medical treatment and investigations may be required by the University's Insurer prior to consultations or Workers may not be reimbursed for the cost. The RTW Coordinator will assist the Worker with this.

Return to Work Coordinator

The RTW Coordinator assists Workers with Recovery at Work and is responsible for carrying out the day to day duties of the Return to Work Program. The University has three full time, qualified and experienced RTW Coordinators, [Shayla Hunter](#), [Sarah Williamson](#) and [Leah Pringle](#) who are available to assist injured and ill Workers. The RTW Coordinator reports to the Associate Director, Wellbeing, Health & Safety.

PH: 4033 9999 (x39999) and press 4

E: usafe@newcastle.edu.au

Location: CH349, Human Resources, Level 3, The Chancellery, Callaghan

The RTW Coordinator has the authority to represent and make decisions for the University in relation to the following:

- Preparing, monitoring and reviewing Recover at Work Plans in consultation with all stakeholders.
- Referring workers to external Rehabilitation Providers where deemed appropriate or requested by the NTD.

The RTW Coordinator does not make decisions regarding liability or funding of treatment. This is the responsibility of the Insurer.

Informed Consent and Confidentiality

- a) Informed consent is when a Worker is provided all the relevant information before consenting to the release and exchange of information relating to their injury/illness. This is to ensure the Worker understands the benefits of providing consent and the risks of not.
- b) The injured Worker can provide consent for the NTD, Employer, Insurer and other key stakeholders to exchange information for the purpose of managing the injury/illness. This is done via the signed SIRA Certificate of Capacity, Certificate of Fitness or the Standard

Consent Form for Release of Personal Information, where it is signed and returned by the Worker to the RTW Coordinator.

- c) Information obtained during rehabilitation will be treated with sensitivity and confidentiality in line with the Commonwealth and State Privacy provisions and the University's [Privacy Management Plan](#) and will only be disclosed in accordance with these and/or the Workplace Injury Management and Workers Compensation Act 1998.
- d) Approval to access or release medical or other information relevant to a Worker's rehabilitation and Return to Work program, will be sought from the Worker using the signed Certificate of Capacity/Certificate of Fitness or the Information Consent Form.
- e) The RTW Coordinator will release information to key parties on a 'need to know' basis only where information is required for the Worker's rehabilitation and Recover at Work Plan.
- f) The Worker may withdraw consent at any time in writing to the RTW Coordinator or Insurer's claims officer however this may affect support and entitlements.
- g) Workers compensation files, including case file notes, are maintained and secured in line with the [University's Privacy Management Plan](#).

Rights, Obligations and Support

Injured /Ill Workers will be provided support by key stakeholders throughout the claim. This includes the NTD, Insurance Case Manager, University Return to Work Coordinator and a Rehabilitation Provider if one is engaged.

- a) Under NSW workers compensation legislation the University is required to:
 - Have workers compensation insurance.
 - Display a summary of the Act that details how a Worker notifies an injury and how they may make a claim – please refer to the [Injuries at Work & Compensation Page](#);
 - Notify Workers of their documented Return to Work program describing the steps they will take if a Worker is injured.
 - Maintain a record of work-related injuries.
 - Notify the insurer of all workplace injuries within 48 hours.
 - Participate in the development of the Worker's injury management plan, written by the insurer and comply with the employer obligations within it.
 - Provide suitable work (as far as reasonably practicable) when a Worker is able to return to work, either on a full-time or part-time basis.
 - Provide suitable work that is (as far as reasonably practicable) the same as or equivalent to the work being performed at the time of the injury.
 - Not dismiss a Worker because of a work-related injury within six months from when the Worker first became unfit as a result of the injury; and
 - Where the University replaces the Worker within two years of dismissing them, it will inform the replacement Worker that the dismissed Worker may be entitled to be reinstated to the role.
- b) A Worker with a work-related injury or illness must co-operate and comply with the Return to Work program and make all reasonable efforts to recover in the workplace.
- c) In doing so Workers are obliged to:
 - Focus on recovery and aim to stay at work in some capacity or return to work as soon as possible.
 - Engage in supports and services available to help them take an active role in their recovery at work as their capacity for work increases.

- Stay in touch with the University and the people they work with – there may be training opportunities that can be undertaken while recovering.
- Adhere to any conditions contained in the Recover at Work Plan.
- Advise their Supervisor and RTW Coordinator if they experience difficulty performing the duties in the Recover at Work plan or if they have an exacerbation of the injury or illness.
- Attend treatment as directed by their NTD or Specialist.
- Ensure their SIRA Certificate of Capacity or Certificate of Fitness is current and is forwarded to the RTW Coordinator.
- Provide a SIRA Certificate of Capacity or Certificate of Fitness for injury/illness related workplace absences; and
- Where practicable attend treatment outside of normal working hours. Where this is not possible Workers should try and schedule appointments first thing in the morning or later of an afternoon and advise their supervisor.

d) Workers have the right to:

- Nominate their own treating doctor – any change to the NTD needs to be advised to the RTW Coordinator and the Insurer as soon as practicable.
- Be provided with duties that are both suitable and, so far as reasonably practicable, the same as or equivalent to their pre-injury duties.
- Be consulted and involved in identifying suitable work and developing their Recover at Work Plan.
- Privacy and confidentiality.
- Access to mechanisms for resolving complaints and disputes.
- Access to an interpreter service where possible;
- Refuse or request a change in Rehabilitation Provider, however this must be discussed with the RTW Coordinator and Insurer.
- Protection from dismissal due to their work-related injury/illness within six months of first becoming unfit for employment.
- If terminated due to a work-related injury/illness, apply for reinstatement within two years with the provision to the University of a fit for pre-injuries Certificate of Fitness; and
- For more information refer to Injured at Work: [A recovery at work guide for workers.](#)

e) Supervisors and Management are obliged to:

- Consult and work with the Worker and RTW Coordinator to develop a Recover at Work plan by identifying duties that are both suitable and, as far as reasonably practicable, the same as or equivalent to the employment the Worker was in at the time of the injury consistent with the NTD's recommendations; and
- Establish the Worker's preferred method of contact and establish regular check-in times where the Worker is unfit for duties. Once the Worker is recovering in the workplace, the Supervisor should regularly check-in with the Worker to ensure they are managing.

f) The Return to Work Coordinator is obliged to:

- Coordinate the Worker's Recovery at Work, including working with the area to identify suitable duties. This will include advising Senior Management of the injury.
- Prepare, monitor and review a Recover at Work Plan (in consultation with key parties) that documents the Worker's capacity and duties available;

- Liaise with external stakeholders, such as the Nominated Treating Doctor, Insurer, treatment providers, relevant union contacts and workplace rehabilitation provider;
 - Implement the RTW program;
 - Request a Rehabilitation Provider be engaged and work with them in supporting the redeployment of Workers (internally or externally) to suitable employment when they cannot return to their pre-injury duties;
 - Keep injury and recover at work statistics;
 - Keep confidential case notes and records in line with laws and guidelines; and
 - Contribute to the improvement of relevant policies and systems.
- g) Please refer to the [Workers compensation guidelines](#) for the responsibilities and obligations of the insurer. The insurer will appoint a case manager who coordinates all aspects of the claim and will receive an Injury Management Plan developed by the insurer in consultation with them and their NTD.

Recovery at Work and Rehabilitation Outcomes

The University is committed to providing meaningful and appropriate suitable work for injured Workers in accordance with Section 49 of the Workplace Injury Management and Workers Compensation Act 1988. Suitable work will be, so far as reasonably practicable, the same as, or equivalent to, the role in which the Worker was in at the time of the injury. Suitable work is time limited, closely monitored and reviewed with the aim of resumption of pre-injury duties when appropriate. Following initial assessment and treatment the Worker will either be:

a) Fit for normal duties:

The RTW Coordinator will regularly check in with the Worker and monitor their progress. The RTW Coordinator will liaise with key stakeholders throughout the duration of the claim.

b) Fit for suitable work:

- Based on the recommendations of the Nominated Treating Doctor, the RTW Coordinator will liaise with the Worker and the area to develop a written Recovery at Work Plan focusing on what the Worker is able to do. The plan will be distributed to all key stakeholders.
- Duties closest to the Workers' pre-injury duties will be considered first. Duties can be offered in any of the following ways:
 - same job (or parts of the job) with different hours;
 - modified duties;
 - a different job altogether;
 - at the same or different workplace;
 - a combination of these options.
- At regular intervals, at minimum every two weeks, the RTW Coordinator will review progress with the Worker to ensure the Recovery at Work Plan is progressing towards resumption of pre-injury duties.
- Recover at Work Plans will be reviewed and updated when the Worker's medical restrictions change or if there is a change in the workplace that impacts the plan.

c) Work Trials

- Where the RTW Coordinator and area are unable to identify suitable work options that match the Workers current capacity within the University, a work trial will be explored.
- A work trial places a Worker with a host employer for a short period of time where the University is unable to accommodate the Workers' current capacity.
- The work trial is an opportunity for the Worker to recover at work while performing duties suited to their current capacity. Duties can be upgraded over a period of time (no longer than 12 weeks) until the Worker reaches the required capacity to return to the University.
- An approved workplace rehabilitation provider will be engaged to work with the Worker and their treatment provider to source a work trial host and submit a proposal.

d) Permanent alternative placement

1. Most Workers are able to recover and return to their pre-injury role however, where this is not possible, the RTW Coordinator will advise the Insurer and the Worker will be provided with support with redeployment (internally or externally) into suitable employment. A Workplace Rehabilitation Provider will be engaged to assist in this process.
2. This may involve:
 - Assessing the Worker's skills, education and experience to identify suitable work options.
 - Providing job seeking assistance and organising training (where appropriate).
 - Accessing appropriate [SIRA-funded programs](#) and services that support the Worker to secure employment.

Recover at Work Plans

Supporting Workers to recover at work after injury is an important part of their treatment and rehabilitation. Staying active after injury helps Workers return to their usual activities at home and at work sooner.

A Recover at Work Plan is a written plan that is developed in consultation with the injured / ill Worker, their work area and other key stakeholders. It is distributed prior to the injured Worker carrying out suitable work where the SIRA Certificate of Capacity / Certificate of Fitness indicated a period of reduced capacity in relation to pre-injury duties. The plan outlines:

- Goals;
- Commencement and review dates;
- Treatment plan;
- Working hours;
- Worker's capacity and suitable work that they will carry out for the duration of the plan.

The plan is developed by the RTW Coordinator or Workplace Rehabilitation Provider in accordance with the SIRA Certificate of Capacity / Certificate of Fitness issued by the NTD. The plan will be provided to the Worker and Supervisor to review, discuss and provide feedback on suggested amendments to the RTW Coordinator as part of the consultation process.

The plan must be signed by all parties and returned to the RTW Coordinator to forward onto the NTD for review and signature. Where a plan needs to be modified, following consultation with the Worker, all key stakeholders will be contacted by the RTW Coordinator for input.

Workplace Rehabilitation Providers

- a) Workplace Rehabilitation Providers can assist Workers to recover at work by designing a plan after consulting with the Worker, area management, treatment providers and the Insurer.
- b) They are health professionals such as occupational therapists, physiotherapists, rehabilitation counsellors and psychologists. They can:
 - assess the Workers' workplace and review the suitable duties;
 - identify ways to help Workers recover at work;
 - provide advice about work options if Workers are unable to recover at work in their pre-injury role with the University.
- c) Workplace Rehabilitation Providers usually deliver services in the workplace, in consultation with all parties. This may involve:
 - assessing a Worker's capacity to perform duties safely.
 - identifying duties that will support improvements in a Worker's capacity.
 - identifying options to help reduce work demands (including providing advice on equipment, job or workplace modifications).
 - identifying and addressing risks that may impact a Worker's recovery and/or return to work outcome; and
 - implementing and monitoring a plan to achieve an agreed recovery at work goal.
- d) While it is usually the Employer or Insurer who makes the decision on which Workplace Rehabilitation Provider will be used in each situation, Workers will be consulted on the decision and given the opportunity to refuse or request a change in provider. Workers should contact the RTW Coordinator to discuss alternate Workplace Rehabilitation Providers.
- e) The University of Newcastle's preferred Workplace Rehabilitation is IPAR Occupational Rehabilitation Services. IPAR can be contacted on telephone 02 4903 3209 or email newadmin@ipar.com.au.
- f) A full list of Workplace Rehabilitation Providers in NSW can be found on the [SIRA](#) website.

Unions

Unions may help a Worker who is a member in relation to dispute prevention and resolution regarding the Return to Work Program and injury management process.

Disputes

- a) Types of injury management disputes include:
 - where there is no injury management plan, or it has not been followed or supported.
 - there is no Recover at Work plan or it has not been followed.
 - where no suitable work has been identified / provided for the worker.
 - the capacity to perform work is disputed.
- b) The first step is to contact the University's RTW Coordinator for assistance to resolve the dispute.
- c) Workers can contact the Insurer and ask them to help resolve the dispute. The Insurer can discuss the issue(s) with all parties and attempt to resolve the dispute. They may also engage an Injury Management Consultant or an approved Workplace Rehabilitation Provider.

- d) If you have a complaint about the Insurer that you have not been able to resolve with them in the first instance, contact the Workers Compensation Independent Review Office ([WIRO](#)) by calling 13 94 76 or email contact@sira.nsw.gov.au.
- e) Where a dispute relates to the University, Workers can get help from SIRA by calling 13 10 50 or emailing contact@sira.nsw.gov.au.
- f) The Workers Compensation Commission (WCC) is an independent tribunal that helps resolve workers compensation disputes between workers, employers and / or insurers. Examples of the disputes they resolve include:
 - o work capacity decisions.
 - o weekly payments compensation.
 - o suitable work following a work injury/illness.
 - o medical, hospital and related expenses.
 - o permanent impairment compensation.
 - o pain and suffering compensation.
 - o compensation for damage to personal property.
 - o compensation for domestic assistance; and
 - o degree of permanent impairment.
- g) For further information Dispute Resolution please refer to the SIRA website.
- h) For additional information please refer to the University's [Complaint and Grievance Resolution Policy](#).

Weekly Benefits

When a Worker has a work-related injury/illness, and they are unable to perform their full pre-injury duties, they may be paid a percentage of their pre-injury average weekly earnings (known as PIAWE) for a set period. Agents (scheme agents, service providers, authorised providers and claims managers) are responsible for ensuring that those payments are accurate.

The University will provide the information as requested by the Insurer to enable them to determine the entitlement. How a PIAWE is calculated is set by legislation and the insurer will use this to determine how much the Worker will be paid. The maximum amount is capped. For more information refer to the Weekly Payments section in the [Injured at work: A recovery at work guide for workers](#).

Weekly payments should commence within seven days after the insurer has been notified of the claim, unless the insurer has provided the Worker with a reasonable excuse not to. To receive weekly payments, Workers must have a current certificate of capacity from their NTD.

The University pays injured Workers at the usual time wages are paid. Workers are required to notify the RTW Coordinator of any change in employment that affects their earnings such as commencing work for another employer.

References

[University of Newcastle H&S Management System Framework](#)

[University of Newcastle HSG 7.1 Incident Notification and Investigation](#)

[University of Newcastle Privacy Management Plan](#)

SIRA [Guidelines for workplace return to work programs](#)

[Workplace Injury Management and Workers Compensation Act 1998 No. 86 \(NSW\)](#) and the instruments under that Act.

[Workers Compensation Act 1987 No. 70 \(NSW\)](#) and the instruments under that Act.

[Workers Compensation Regulation 2016.](#)

Attachments

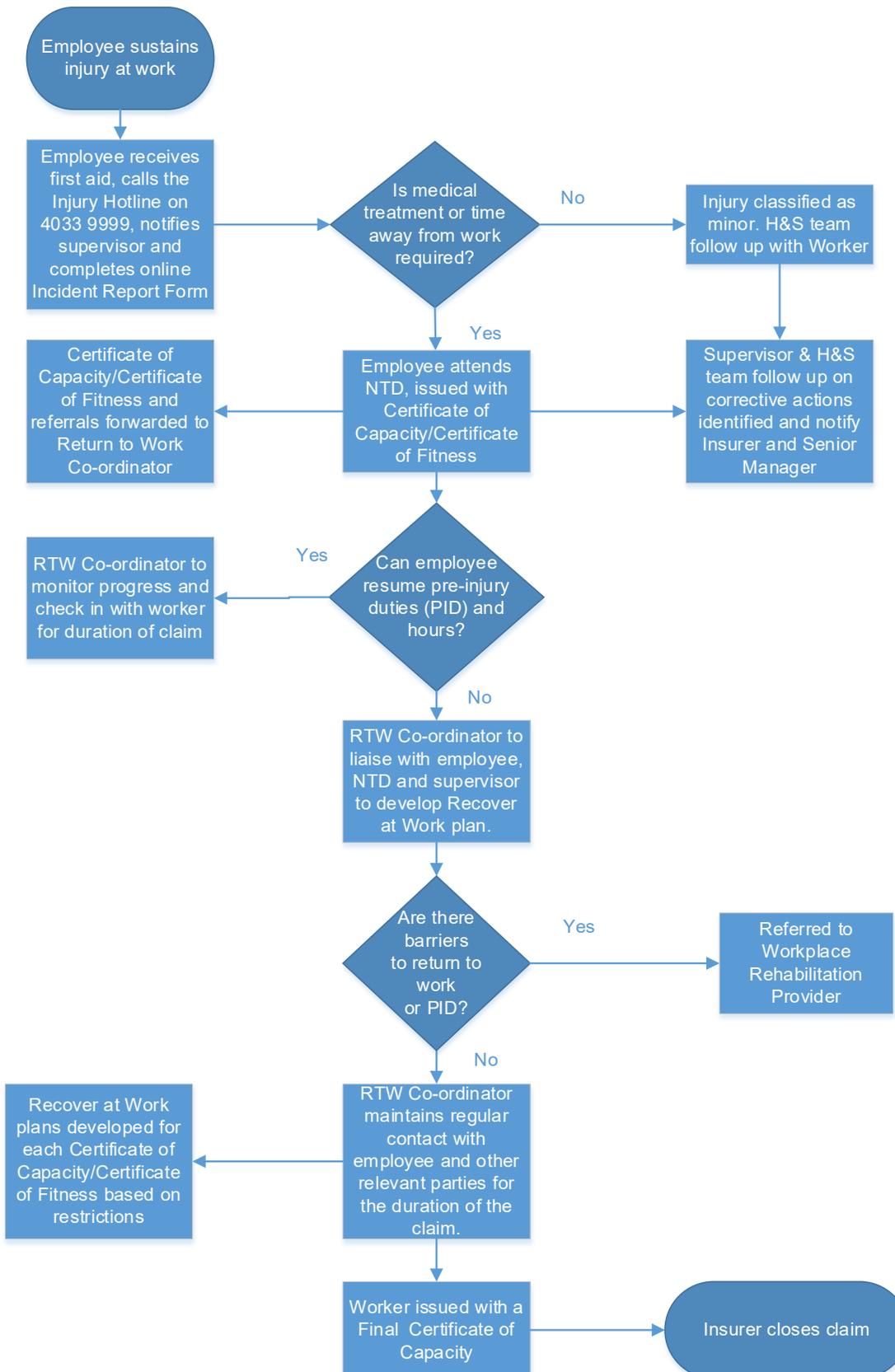
- 1. Injury Management and Return to Work Flowchart
- 2. Recovery at Work Plan
- 3. Authority to Release Medical Information

ISSUE	WRITTEN BY	CHECKED BY	AUTHORISED BY	REASON FOR CHANGE
1	Sarah Williamson July 2019	Martin Sainsbury September 2020	Chief People and Culture Officer	First Issue

Attachment 1 – Injury Management flow chart



Injury Management Flowchart



Attachment 2 – Sample Recovery at Work Plan

Same Employer Recover at Work Plan



Date:		Claim ID:	
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Employee Details

Name:			
Position:		Supervisor:	
School/Division			
Diagnosis:			
Date of Injury:			
Work Status:	<input type="checkbox"/> Fit for Suitable Duties (Restrictions in place) <input type="checkbox"/> Trial Pre-Injury Duties		
Pre-injury Hours per week:		Current Capacity (hrs per week):	
Treatment Plan:			
Nominated Treating Doctor:			

Insurer Details

Insurer Name:	Employers Mutual	Phone:	137722
Address:	GPO Box 4143, SYDNEY NSW 2001		
Email:	piclaims@icare.nsw.gov.au	Fax:	02 8251 9495

Workplace Rehabilitation Provider Details:

Consultant Name:		Phone:	
Email:			

Current Capacity of Employee

From:		To:	
Hours:		Days:	
Lifting/carrying capacity:		Pushing/Pulling ability:	
Sitting:		Bending/twisting/squatting ability:	
Standing Tolerance:		Driving Ability:	
Other:			

Recover at Work Goal

Pre-injury duties with pre-injury employer

Suitable Duties Details

Date:		Suitable Duties:						
From:			•					
Additional considerations/tasks to avoid	Tasks to avoid:		•					
Days	Mon	Tue	Wed	Thur	Fri	Sat	Sun	
Hours								

Attachment 5 – Consent Form

STANDARD CONSENT FORM FOR RELEASE OF PERSONAL INFORMATION



Worker details			
Claim number			
Given name(s)		Surname	
Employer details			
Organisation	University of Newcastle		
Contact name	Sarah Williamson	Position	Health & Safety Advisor, Injury Management
Phone	02 4921 7720 0438 908 335	Email	Sarah.Williamson@newcastle.edu.au

Worker's declaration

I have discussed this consent form with my employer. I understand that any information collected will be kept in a confidential case file, with access restricted to those who are directly responsible for coordinating and monitoring my recovery at work.

I understand that my employer will:

- only collect health information that is relevant and necessary to manage my recovery at work and coordinate the workers compensation claim
- only use and disclose information for the purpose for which it was collected
- keep any information collected separate from my other personnel records
- take reasonable steps to protect my information by ensuring it is stored securely, kept no longer than necessary and disposed of appropriately
- allow me to access my information without unreasonable delay, unless providing access would be unlawful or pose a serious threat to another person's life or health.

Considering the above, I authorise and consent to the collection, use and disclosure of personal and health information relevant to managing my injury and workers compensation claim.

This information may be exchanged between my employer, my treating doctor(s), the insurer, the workplace rehabilitation provider and the State Insurance Regulatory Authority (SIRA).

I understand that my workers compensation entitlements may be affected if I withdraw my consent.

Worker			
Signature		Date	
Employer representative			
Signature		Date	
Interpreter			
Signature		Date	
Name			