

WorkSafe Certificates of Capacity

What is a WorkSafe Certificate of Capacity?

A *WorkSafe Certificate of Capacity* is similar to a medical certificate. It provides details about:

- the work-related injury or illness that prevents you from performing your normal duties and hours
- how long you are expected to be unable to do your normal duties and hours and any restrictions that need to be taken into account in your return to work planning
- the duties and hours you are able to perform while you recover from your injury and if you have some capacity for work
- the treatment your doctor or healthcare provider is providing or recommending to help you return to work

A *WorkSafe Certificate of Capacity* is not a referral for other medical services or a prescription for medication. Your doctor should give you these separately if you need them.

Why do you need a WorkSafe Certificate of Capacity?

When a work-related injury or illness affects your ability to perform your normal work, you need a *WorkSafe Certificate of Capacity*. The certificate is an important document:

- it lets your employer know that you have an incapacity for work. If it's your first *WorkSafe Certificate of Capacity*, this may be the first time your employer hears about your incapacity for work
- it provides your employer with information about what you can and can't do and your ability to return to work. This helps them plan for your return to work. The *WorkSafe Certificate of Capacity* may contain information about restricted duties or reduced hours that are recommended by your doctor or healthcare provider
- it will reflect when your capacity for work changes, consistent with your recovery and when you are able to get back to your normal duties and hours
- it will enable you to claim weekly payments if you lose income because of your work-related injury or illness

If you are unable to return to your normal job, your employer has an obligation to provide you with suitable or pre-injury employment when you have some capacity for work.

This obligation continues for 52 weeks. This may not be 52 consecutive weeks as it only takes into account those periods that you are unable to do your full pre-injury duties and hours as a result of your work-related injury. This period starts from when you provide your employer with either a claim for weekly payments or your first *WorkSafe Certificate of Capacity*.

If you recover sufficiently and are able to return to your normal job and hours during this 52 week period, your employer is required to provide you with your pre-injury or equivalent role.

How do you get a WorkSafe Certificate of Capacity?

Your doctor has *WorkSafe Certificates of Capacity* and can complete one for you at an appointment. **Your first certificate covers a maximum of 14 days and can only be obtained from a doctor.**

Ongoing certificates can be obtained from healthcare providers such as a medical practitioner, chiropractor, physiotherapist or osteopath and can cover a maximum of 28 days. If you continue to be unable to perform your normal work, it is your responsibility to obtain ongoing certificates by the time the previous certificate has expired. In certain circumstances, your WorkSafe Agent or self-insurer can authorise ongoing certificates for periods longer than 28 days.

What information should your WorkSafe Certificate of Capacity include?

The following are things to look for when you receive your *WorkSafe Certificate of Capacity*.

- ☒ Details about the work duties you can and can't do. If you are fit to return to some form of work, your certificate should state this as well as any restrictions your doctor has identified (for example, lifting certain weights or the need for rest breaks).
- ☒ All sections should be completed.
- ☒ Make sure the correct certificate is used titled *WorkSafe Certificate of Capacity*.
- ☒ The correct dates must be shown for your period of capacity/incapacity.
- ☒ If your doctor backdates or forward dates the certificate, they should provide an explanation on the certificate.
- ☒ Make sure all the injuries or illnesses that you are claiming on your *WorkSafe Worker's Injury Claim Form* are listed. Tell your doctor all the symptoms you believe are a result of your work-related injury or illness.

Contact your Agent or self-insurer if you believe they are unaware of some aspects of your work-related injury or illness.

What do you need to do with your WorkSafe Certificate of Capacity?

1. Complete and sign the declaration

You must declare any work you have done in any job during the period covered by ongoing certificates. The patient declaration is on the back of the certificate. Sign it and have your signature witnessed (your doctor can be the witness). Without the signed declaration, your certificate is invalid and your employer is under no obligation to pay you compensation in the form of weekly payments.

If you know your claim number, write it at the top of your certificate.

Your doctor may declare an injury or illness on your certificate for which you may not have submitted a claim. If this occurs, contact your Agent to discuss if liability is accepted for this injury or illness and whether you need to submit a new claim form.

2. Give your certificate to your employer as soon as possible

When you give your employer the first certificate, you will also need to provide a *WorkSafe Worker's Injury Claim Form*.

Your employer is usually responsible for paying your compensation and should pay you on your normal pay day, providing you have given them a valid *WorkSafe Certificate of Capacity*.

3. Keep a copy of your signed certificate

Using your WorkSafe Certificate of Capacity to return to work

Your *WorkSafe Certificate of Capacity* provides your employer with information to plan for your return to work. The following are some ideas to help you return to work.



When you visit your doctor, or healthcare provider, take a copy of your position description and a list of duties. You don't have to be 100 per cent recovered to return to work. Talk about what you can do rather than what you can't. This will help your doctor or healthcare provider assess your capacity to return to work.



Ask your doctor or healthcare provider to discuss available duties at your workplace with your employer.



Ask your doctor or healthcare provider to detail what work you can do on your certificate. This should include details of restrictions, supports or modifications; for example, difficulty with bending, lifting or requirements for breaks.

What if your capacity changes?

Start planning early to get back to work. Keep in regular contact with your employer so if your capacity changes they can plan for and manage your return to work in a sustainable way. Whether it's on reduced hours in your regular job or on modified or alternative duties, getting back to work is an important part of your rehabilitation.

A change in capacity resulting in your return to work will impact on your weekly payments. Further information on how your payments are calculated can be found in *Introducing the WorkSafe scheme, A guide for injured workers*, available on the WorkSafe website **worksafe.vic.gov.au**.

When your doctor or healthcare provider gives you a certificate stating you are able to return to your normal duties and hours, you do not need any more certificates.

Where to get more information

For more information about your return to work obligations, please:

- visit our website **worksafe.vic.gov.au**
- read the WorkSafe publication *Returning to work – a guide for injured workers*
- contact your Agent
- call the WorkSafe Advisory Service on **(03) 9641 1444** or freecall **1800 136 089**
- contact your union representative