



Australian Government

Comcare

INVALIDITY RETIREMENT

An application for invalidity retirement should be the final step in the management of an injured worker. Before invalidity retirement is considered, the employer (as a rehabilitation authority) must fulfil their SRC Act Part III rehabilitation roles and responsibilities.

This includes discharging its section 40 duty as an employer to take all reasonable steps to provide the injured worker with suitable employment or assist the injured worker to find such employment.

The employer must demonstrate their efforts to maintain the injured worker in some working capacity.

Finally, Comsuper only approves an application if the individual demonstrates a total and permanent incapacity to work.

Total and permanent incapacity means that an injured worker is unlikely ever to be able to work again in a job:

- > for which he/she is reasonably qualified for (or could be reasonably qualified for after retraining)
- > is unable to participate in any other employment with a government department, or
- > is unable to participate in any other employment with a non-government employer.

It is important to understand the distinction between Comsuper's definition of employment (any) and Comcare's definition of suitable employment as defined in Section 4 of the *Safety, Rehabilitation and Compensation Act 1988*.

The definition of suitable employment varies depending on the status and circumstances of an injured worker and the nature of their employment.

Applying the definition means that if the injured worker who suffered an injury is an ongoing injured worker of:

- > the Australian Government, then suitable employment is any employment within the Australian Government
- > the ACT Government, then suitable employment is any employment within the ACT Government
- > a licensee, then suitable employment is any employment within the licensed corporation.

Prior to lodging an application, Comsuper expects an attempted range of pre-application strategies. These could include:

- > all treatment options have been exhausted
- > health assessment reports
- > any treatment or strategy recommended by a Comsuper approved medical practitioner (see <http://employer.pss-css.gov.au/learningcentre/invalidity.shtml#amp> for a list of approved medical practitioners)
- > comprehensive rehabilitation assessment and program provision
- > graduated return to work
- > reduction in hours, or
- > redeployment.

Comcare's support for an invalidity retirement is not essential for an application to Comsuper.



STEP-BY-STEP APPLICATION

1. The Rehabilitation Case Manager (RCM) must be satisfied that the injured worker has been absent from work for at least six months and that the medical condition is stable and/or is not likely to improve significantly. The RCM must also be satisfied that genuine attempts to offer suitable employment to the injured worker have been made.
2. The employer refers the injured worker to a Comsuper approved medical practitioner for a medical report. This is usually an assessment of Fitness for Continued Duty.
3. The RCM requests, in writing, that Comcare support an application for invalidity retirement. The employer provides documentary evidence to support the request. Comcare has 28 days to provide a response to an application for invalidity retirement.
4. A Comcare Claims Services Officer will review the application. Particular reference is made to the rehabilitation programs offered, the use of suitable employment, the age of the injured worker, the medical prognosis, have all treatment options been pursued, the current treating doctor's view, and recent specialist medical opinion.
5. Comcare will advise the RCM, in writing, of the decision to support (or not support) the application.

FITNESS FOR CONTINUED DUTY ASSESSMENT

Comsuper has a list of approved medical providers that are able to provide information to the employer about an injured worker's current health status, prognosis, strategies for further treatment or rehabilitation, and recommendations regarding total and permanent incapacity.

As it is the employer who requests this information about an injured worker, it is Comcare's view that this report is confidential. Release of the report is subject to the written permission of the injured worker.

If you wish to include a fitness for continued duty assessment report in your application for invalidity retirement, or a synopsis thereof, please include a copy of the injured worker's written authority to release that report.

SUPPORTING DOCUMENTATION

In making your application the agency should provide supporting information. This can include:

- > a case summary, outlining attempts at return to work, formal rehabilitation programs and outcomes achieved
- > steps taken to fulfil section 40 responsibilities
- > other rehabilitation reports that may not have been provided to Comcare
- > current medical certificate
- > and a recent section 36 assessment identifying the individual's capacity to undertake a rehabilitation program and capacity to engage in suitable employment.

FURTHER INFORMATION

For further information, please contact Comcare on 1300 366 979 or visit Comcare's web site www.comcare.gov.au, or visit the Comsuper website at www.comsuper.gov.au