



Cooperating with a labour hire employer to support an injured worker

Background	Why this matters
• Changes to the Return to Work Act 2014 clarify the role of host employers when a labour hire worker is injured. • These changes respond to the need for clearer and more consistent cooperation between host employers and labour hire employers to support timely return to work.	• As of 1 December 2024, host employers must cooperate with labour hire employers in identifying and providing suitable duties that help injured workers return to work. • Cooperation between host employers and labour hire employers is critical to supporting an injured worker's recovery and safe return to work. • These changes recognise that labour hire employers are often dependent on host employers' cooperation to meet their return to work obligations and reduce delays in recovery and return to work.
Who is a 'host employer'?	Who is a 'labour hire employer'?
Legal definition "...the person who obtained, at the time of the occurrence of the relevant work injury, the services of the worker as part of labour hire services ..." (section 18(17), Return to Work Act 2014) What this means for you A host employer is a business that uses workers supplied through a labour hire arrangement. In practice If your business engages labour hire workers, this fact sheet explains your role and responsibilities when a labour hire worker is injured while working for your business.	Legal definition "... the employer who has supplied, at the time of the occurrence of the relevant work injury, the services of the worker to the host employer ..." (section 18(17), Return to Work Act 2014) What this means for you A labour hire employer is the business that employs the worker and places them with a host employer business under a labour hire arrangement. In practice This fact sheet explains your role as the worker's employer in coordinating and supporting a worker's return to work, including working with host employers to identify suitable duties.

Understanding your obligations as a host employer

If a labour hire worker is injured while working for your business, you must cooperate with their employer (the labour hire employer) to help the worker return to suitable employment; where it is reasonable and practicable to do so, as stated in the [Return to Work Act 2014](#).

This includes communicating with the labour hire employer, participating in return to work planning, and providing access to your workplace when needed.

What the law states (section 18 (16a) of the *Return to Work Act 2014*)

“A host employer must co-operate with a labour hire employer in respect of action taken by the labour hire employer to comply with its obligation under this section to provide suitable employment to a worker, to the extent that it is reasonably practicable to do so, by—

- a) communicating with a labour hire employer about co-operation in the provision of any suitable employment requested by a worker under a subsection (3) notice; and
- b) participating in discussions with the employer and the worker about the return to work planning, including in relation to the establishment of a recovery/return to work plan; and
- c) providing the labour hire employer, the worker and other parties involved in the return to work process with access to the workplace, including for the performance of duties by the worker in their employment with the labour hire employer; and
- d) complying with any other requirements prescribed by the regulations.”

What this means for you as a host employer

As a host employer, you are not required to employ the injured worker. Under [the Return to Work Act 2014](#), the labour hire employer remains responsible for providing suitable employment to the worker. However, you must cooperate with the labour hire employer, where it is reasonably practicable to do so, to help them meet this obligation and support the worker's recovery and return to work.

What is reasonably practicable will depend on your circumstances as a host employer, including what is realistic and possible within your workplace and business operations, considering your business size, the nature of your workplace, and the type of work available. **In trying to identify and accommodate suitable duties, the labour hire provider may discuss with you what return to work options are reasonably practicable within your workplace, including:**

- considering whether modifications to the worker's pre-injury duties or hours may accommodate their current capacity for work
- considering whether alternative duties are available within your workplace that align with the worker's skills, experience and restrictions
- considering whether suitable duties may be available at another worksite operated by your business
- considering whether the worker's transferable skills, experience or capabilities could be utilised in other available duties
- considering whether any licences, training or workplace inductions may assist the worker to undertake suitable duties or access suitable employment opportunities within the host workplace. Where appropriate, training costs may be considered as part of the worker's claim and the labour hire employer may discuss this with the Claims Manager.

Cooperation may also include providing access to your workplace to enable a worksite assessment and the development of a return to work plan or schedule.

Your duty to cooperate

You must cooperate with a labour hire employer, where it is reasonably practicable to do so, to support the return to suitable employment of a labour hire worker injured while working for your business.

This includes circumstances where a worker has made an application under section 18 of the *Return to Work Act 2014* seeking suitable employment and requests your cooperation in supporting their return to work.

What cooperation looks like

In practice, cooperating with a labour hire employer may involve:

• Responding promptly ○ Reply as soon as possible when the labour hire employer contacts you about supporting an injured worker's return to work • Nominating a contact person ○ Provide a central point of contact to manage communication and support the return to work process • Providing workplace access ○ Allow the labour hire employer, the worker, and others involved in the process safe access to your workplace, at agreed times during normal working hours • Taking part in discussions ○ Be involved in planning suitable duties and return to work arrangements	• Giving consideration to suitable duties ○ Work with the labour hire employer to identify duties that match the worker's capacity • Helping to address barriers ○ Work together to identify and resolve any issues affecting the worker's recovery or return to work • Sharing relevant information ○ Provide updates on the worker's progress and how they are performing their duties at your workplace • Explaining if you cannot cooperate ○ If you believe it is not reasonably practicable to co-operate, provide clear reasons to the labour hire employer
---	---

How cooperation works in practice

Example: Bruce is working at a host employer's warehouse through a labour hire arrangement when he injures his knee and can no longer perform his usual duties.

Scenario 1	Scenario 2
The labour hire employer: • confirms Bruce's treatment and work capacity • contacts the host employer to discuss return to work options The host employer: • nominates a contact person • participates in discussions about suitable duties and return to work arrangements • provides relevant information about available duties and workplace requirements to the labour hire employer Together, they: • consider what duties may be reasonably practicable within the host employer's workplace • identify suitable duties that align with Bruce's capacity for work • agree on arrangements to support Bruce's return to work	The labour hire employer: • confirms Bruce's treatment and work capacity • contacts the host employer to discuss return to work options The host employer: • nominates a contact person • is unable to identify suitable duties based on the available information and communicates this to the labour hire employer • provides access to the workplace for a worksite assessment Together, they: • participate in the worksite assessment process alongside Bruce • support the development of a recovery and return to work plan and suitable duties schedule • monitor and support Bruce's return to work

Find out more

You can access [additional information to support your role as a host employer](#), including:

- [labour hire licensing requirements](#)
- [guidance for labour hire employers](#)
- [information for workers](#)

Need help?

If you are a labour hire employer or host employer and would like assistance understanding your return to work obligations, practical support for engaging with a labour hire or host employer or identifying suitable employment options, contact your Claims Manager for active claims.

For general advice and support, contact the Employer Education team:

Email: coordinators@rtwsa.com

Phone: (08) 8238 5958