Form P41

Notice by a worker seeking employment with the pre-injury employer

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| --- | --- |
| **Case Number** |  |

This is the approved form for a worker to give notice to an employer under section 18(3) of the Return to Work Act 2014.

Submitting an incomplete form may delay the progress of your matter.

# To: The pre-injury employer

|  |  |
| --- | --- |
| Business name |  |
| Contact person |  |
| Job title |  |
| Address |  |

# Worker details

### Contact details

|  |  |
| --- | --- |
| Title | [ ]  Mr [ ]  Mrs [ ]  Miss [ ]  Ms [ ]  Other (specify): |
| First name  |  | Last name |  |
| Email |  |
| Telephone  |  | Mobile |  |
| Address Street 1 |  |
|  Street 2 |  |
| Suburb |  | State |  |
| Postcode |  | Country |  |

### Representative detail (if required)

|  |  |
| --- | --- |
| Organisation |  |
| Contact First name  |  | Last name |  |
| Email |  |
| Telephone  |  | Mobile |  |
| Address Street 1 |  |
|  Street 2 |  |
| Suburb |  | State |  |
| Postcode |  | Country |  |

### Injury details

|  |  |
| --- | --- |
| Date of injury |  |
| Type of injury |  |
| Claim number |  |

# Notice seeking suitable employment

I, the worker named above, have been incapacitated for work in consequence of a work injury described above. I now give you, the pre-injury employer, notice pursuant to section 18(3) of the Return to Work Act 2014, that I am ready, willing and able to return to work with you. Information about the type of employment that I consider I am capable of performing is set out below.

### Type of employment, I consider I am capable of performing:

*(Explain reason in full. Attach additional pages if more space is required.)*

|  |
| --- |
|  |

### My restriction for work are:

*(Set out any medical and other restrictions in detail.)*

|  |
| --- |
|  |

A copy of current medical certificate is attached: [ ]  Yes

### Document that support this notice are listed below and are attached to this notice

|  |
| --- |
| 1. …
2. …
 |

# Send copy to employer

This worker must give a copy of this form to the employer. **A copy is not to be sent to SAET at this time.**

|  |  |
| --- | --- |
| Name of person sending this notice |  |
| Signature of worker or representative |  |
| Date |  |

|  |
| --- |
| **PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS** |

### Information for the receiving employer over the page.

## INFORMATION FOR THE EMPLOYER

For the information of the employer, a failure to respond to a notice given under subsection (3) of section 18 of the Return to Work Act 2014 may result in an application by a worker to the Tribunal for an order that the worker be provided with specified employment in accordance with the provisions of the Return to Work Act 2014 set out below.

Section 18—Employer's duty to provide work

(4) If an employer fails to provide suitable employment under subsection (3) within 1 month after the worker seeks such employment in accordance with that subsection (the prescribed period), the application by the worker to the Tribunal may be made within 1 month after the end of the prescribed period unless the Tribunal allows an extension of time.

(5) If, on an application under subsection (3), the Tribunal is satisfied that it is not unreasonable for the employer to provide employment to the worker, the Tribunal must order the employer to provide to the worker employment specified by the Tribunal unless the Tribunal, in the exercise of its adjudicative function, determines otherwise.

(6) A worker who makes an application under subsection (3) is entitled, subject to subsections (8) and (9) and to limits prescribed by the regulations, to an award against the relevant employer for the worker's reasonable costs of the proceedings before the Tribunal.

(7) If on an application under subsection (3) the Tribunal declines to make an order in favour of the worker under subsection (5), the Corporation is liable, subject to subsection (8) and to limits prescribed by the regulations—

(a) for the employer's reasonable costs of the proceedings before the Tribunal (unless those costs are covered by an award under subsection (9)(a)); and

(b) for the costs payable to the worker under subsection (6).