

# Fitness for duty reports

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## Introduction

Employers may request, under certain conditions, that an employee undertake a medical examination to identify if they are fit to return to work. Employers do not need to rely on the provisions of the *Safety, Rehabilitation and Compensation Act 1988*

(SRC Act) to do so, as authority is provided in the [Public Service Act 1999](#). For non-public service employees, most employers include provision for such an assessment in employment agreements. The reports produced from such an examination are generally known as Fitness For Duty (FFD) reports.

FFD reports may be provided to Comcare as evidence to assist in making a determination under the SRC Act.

**Note:** FFD reports are not rehabilitation reports as they are not conducted under section 36, section 37 or section 57 of the SRC Act.

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## Requesting an existing fitness for duty report

If you or the employer believes that a FFD report may be relevant to a determination under the SRC Act, you may make the request to the employer under section 71 of the SRC Act. If required, you can request a copy of the report from the employee under section 58 of the SRC Act.

If you request a fitness for duty report, you will need to advise the employee or employer to make any redactions of information regarding non compensable conditions or any other personal information not directly related to the claim. This is similar to the requirements for independent medical examination (IME) requests or information from treating medical professionals.

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## How can Comcare use a fitness for duty report?

Comcare **cannot use a FFD report as the sole evidence** in determining an entitlement. This is because it does not usually address issues such as the requirement for treatment, or whether a condition is work related. A FFD report may be useful in situations where the report conflicts with a treating legally qualified medical practitioner's (LQMP's) opinion. In cases such as these, further medical evidence should be sought.

Where a FFD report is sought but not used as evidence in making a determination, the report should be returned to the employer/employee.

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## **Consent to use a fitness for duty report**

Comcare is authorised to collect information from third parties when it is connected to a claim activity. You will only make the request for the FFD report if you consider it relevant to making a determination on a claim. You are therefore authorised to do this under the SRC Act, regardless of whether you have consent from the employee.

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