

# INFORMATION FOR EMPLOYERS

## YOUR RIGHTS AND RESPONSIBILITIES

### Australian Capital Territory

As an employer, you play an important role in assisting your worker to recover from injury. Within your role, you have the following rights and responsibilities:

#### Rights

- You are entitled to information about how your injured worker's claim is being managed. Please contact your Claims Consultant for any information.
- As part of the claims management process, you will be consulted in respect of any major development on a claim that impacts on the worker's entitlement to compensation, such as weekly payments or reasonable medical expenses.
- Weekly compensation payments (if applicable), will commence from the date of incapacity, supported by a valid ACT Certificate of Capacity.

If there is a total incapacity, for 26 weeks after the incapacity date the worker is entitled to receive weekly compensation equal to the workers average pre-incapacity weekly earnings (APIWE) which includes overtime if it is a regular established pattern and uniform as to overtime hours worked. After 26 weeks incapacity, the worker is entitled to receive weekly compensation equal to 65% of their average pre-incapacity weekly earnings (APIWE), or the statutory floor.

If there is a partial incapacity, for 26 weeks after the incapacity date the worker is entitled to receive weekly compensation equal to the difference between their average pre-incapacity weekly earnings (APIWE) and the average weekly amount that the worker is being paid for working or could earn in reasonably available suitable employment. If they are partially incapacitated after 26 weeks, they are entitled to a sliding scale which is determined by the percentage amount of pre-injury hours worked.

- You can claim reimbursement of weekly compensation payments made to your injured worker. To enable prompt reimbursement to be paid to you, please complete the Employer Wage Reimbursement Invoice advising details of time lost and compensation paid (at the approved rate). Most employers find it convenient to send this in regularly, in line with their usual pay cycle.
- If a worker in receipt of weekly compensation payments returns to work with another employer they must notify you within 7 days of starting this work. You must then notify us immediately, so that we can contact the worker for further details.
- If you would like a claims review meeting to discuss any of your open claims, please contact your Claims Consultant to arrange a suitable time.

#### Responsibilities

- As the employer, you play a vital role in supporting your injured worker with their recovery. You should maintain an open dialogue with your worker as you would for any other absence or concern. Close and supportive communication with your injured worker is important and will assist us to reach a positive outcome.
- You are obliged to take all reasonable steps to provide suitable alternate employment while your worker is recovering and to participate in efforts to retrain your worker. If you have the capacity to provide suitable alternate employment but do not, penalties may apply.
- The worker must continue to supply you with workers compensation medical certificates to support any ongoing incapacity for work and need for treatment. Weekly compensation entitlements cannot be paid without a valid ACT Certificate of Capacity. A copy of the certificates should be forwarded to us upon receipt.
- All invoices for medical and other expenses are to be forwarded to us. If the invoice has been paid, forward a copy of the receipt clearly indicating who should be reimbursed.
- To ensure consistency of income for your worker, payments of weekly compensation should be made in line with your normal pay cycle and continue for as long as the worker remains incapacitated for work and has a loss of earnings, or we advise otherwise. If you have the capacity to provide these weekly compensation payments but do not, penalties may apply.
- We need your continued support to return the worker to work as soon as safely possible, preferably to their usual place of work. If they remain incapacitated for their pre-injury role, it is important that you identify and make available suitable alternative duties in accordance with the Return to Work Plan. If necessary, we will appoint a workplace rehabilitation provider to assist you and the worker in developing a Personal Injury Plan and Return to Work Plan.
- If either we (the insurer) or the worker file an application to WorkSafe ACT in respect of a dispute over entitlements, the employer must attend the hearing if requested.
- Where you seek reimbursement of a tax invoice including GST, and you are registered for GST, CGU will reduce the amount of the payment by the amount of Input Tax Credit that you are, or will be, or would have been entitled to under A New Tax System (Goods and Services Tax) Act 1999, in relation to that acquisition.

The information provided above is general information regarding the workers' compensation and injury management system. It must not be considered legal advice. If you have any queries, please contact your Claims Consultant.

## How CGU protects your employee's privacy

We use information provided to us so we can offer our products and services as well as to manage claims. This means we may need to collect personal information, and sometimes sensitive information (for example, health information about your employees for workers' compensation insurance). In relation to workers' compensation claims, we generally obtain your employee's consent to us collecting this information directly from you or from the medical practitioner, rehabilitation providers and other persons involved in the assessment and management of the employee's workers compensation claim.

CGU will only use your employee's personal information for the purposes for which it was collected, other related purposes, purposes disclosed in our privacy policy and as permitted or required by the law. If the information is sensitive information, we will only use the information for the purposes it was initially collected, other directly related purposes, purposes disclosed in our privacy policy, or purposes to which the employee otherwise consents. Your employee may choose not to give us their information, but this may delay the assessment of their workers' compensation claim under our policy with you.

We may share this information with companies within our group, government and law enforcement bodies if required by law and others who provide services to us or on our behalf, some of which may be located outside of Australia.

Any personal information you provide to CGU Workers Compensation will be collected, stored, used and disclosed in accordance with our Privacy Policy located at [www.cgu.com.au/privacy](http://www.cgu.com.au/privacy). Alternatively, contact us on 13 15 32 and we will send you a copy.

If you are providing personal information about someone else, such as your employee, you must not provide us with the information unless you have clear consent from that person to do so and let them know about our Privacy Policy and where to find it.

By providing us with information, you agree to this information being collected, held, used and disclosed as set out in our Privacy Policy.

Our Privacy Policy also contains information about how your employees can access and seek correction of their information, complain about a breach of the privacy law, and how we will deal with their complaint.



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