

INFORMATION FOR EMPLOYERS

YOUR RIGHTS AND RESPONSIBILITIES

Western Australia

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 income compensation payments or reasonable medical and health expenses.
- Income compensation payments (if applicable) will commence from the date of incapacity, supported by a valid workers compensation certificate of capacity. Income compensation rates are based on a calculation prescribed by the Workers Compensation and Injury Management Act 2023. In summary:
 - A pre-injury average weekly rate of earnings is first calculated over the period of 1 year prior to the injury occurring.
 - For the first 26 weeks, the weekly rate of income is the average weekly rate of earnings. This is subject to a maximum weekly rate of income compensation.
 - From the 27th week, the weekly rate of income is adjusted to 85% of the average weekly rate of earning. This is subject to a minimum weekly rate of income.
- You can claim reimbursement of income compensation payments made to your injured worker. To enable prompt reimbursement to be paid to you, please complete the form 'Employer Wage Reimbursement Invoice' confirming the period of incapacity and income compensation paid (at the approved rate). Most employers find it convenient to send this in regularly, in line with their usual pay cycle.

- If an injured worker in receipt of income compensation undertakes work with another employer they must notify you (or us) within 7 days of starting this work. If this occurs, we request that you notify us immediately, so that we can contact the worker for further details.

Under the Act, you are able to seek assistance or transfer your obligation to establish a return to work program to us, as your insurer. You may request this when submitting a claim or by contacting your Claims Consultant.

- 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 injured 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.
- In respect of any injury, you must give us any information, document and assistance we request and otherwise cooperate with us in the management, defence or settlement of any claim.
- The Act requires all employers to have an Injury Management System and imposes a penalty for non-compliance. This is a process setting out the steps to be followed when there is an injury from employment. It must be available to the workers and include:
 - a) a description of a worker's right to claim compensation if they suffer an injury from employment;
 - b) a description of an employer's obligation to comply with the claim and injury management process set out in the Act when a claim is made;
 - c) a description of the steps the employer will take if an injury from employment occurs; and

- d) information about the person who had day-to-day responsibility for the injury management system and their contact details.
- You are obliged to take all reasonable steps to provide suitable alternate duties while your injured worker is recovering.
- The worker must continue to supply you with a workers compensation certificate of capacity to support any ongoing incapacity for work and need for treatment. A copy of the certificate 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, please forward a copy of the receipt clearly indicating who should be reimbursed.
- If liable, the Act requires that you commence payment to the injured worker within the following timeframe:
 - if liability is accepted: the first income compensation payment must be made within 14 days of acceptance of liability;
 - if a decision on liability is deferred: the first provisional payment must be made before the 'provisional payment day', being on the 29th day after the claim is received by us (the insurer).

The Act states that penalties apply for non-compliance of this obligation.

To ensure consistency of income for your injured worker, payments of income compensation are required in line with your normal pay cycle and continue for as long as the worker remains incapacitated for work or we advise you otherwise.

- The Act requires that an employer establish a return to work program in circumstances such as when:
 - a) the injured worker is certified with a partial incapacity for work
 - b) the injured worker's treating medical practitioner is supportive of a RTWP; or
 - c) Orders are made by an Arbitrator.

The Act states a fine of \$5,000 applies to an employer for non-compliance.

- Various obligations are also listed in regulations 75 to 80 of the Workers Compensation and Injury Management Regulations 2024, with respect to the establishment, content and implementation of a return to work program. The Regulations include a fine of \$5,000 for failure to comply with these provisions.
- We need your continued support to return the injured worker to work as soon as safely possible, preferably to their usual place of work, duties and hours. 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 program.
- If you have requested our assistance with the establishment of the return to work program, we may appoint a workplace rehabilitation provider to support you and the injured worker, noting that the injured worker can also request a preferred provider. When your injured worker attends an examination or treatment with a medical practitioner you are not allowed to be present.

- You must, unless it is not reasonably practicable to do so, keep available the injured worker's pre-injury position for the period of 12 months from when they first had an incapacity for work as a result of the injury. This means that if your injured worker attains a partial or total capacity for work within 12 months of becoming entitled to income compensation payments, you must make their previous position available to them. If the position cannot remain available, please contact your Claims Consultant as a matter of priority so we can advise on your options pursuant to the legislation.
- You must not dismiss the injured worker due to their work incapacity, during the period of 12 months beginning on the day which the worker first had an incapacity as a result of their injury. If you intend to dismiss your injured worker for any reason during that period, you must provide them with a the approved WorkCover form named 'intention to dismiss worker notice' at least 28 days before the dismissal takes effect.
- Please notify us when your injured worker returns to work in either a full or partial capacity for pre-injury duties and commences earning pre-injury wages. A return to work notice (in the WorkCover approved form) confirming these wages must be provided to the injured worker when this occurs.
- If we (the insurer) or the injured worker file an application with WorkCover in respect of a dispute over liability, entitlements, or any matter, your attendance will be required if the dispute proceeds to an arbitration hearing.
- 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.
- Please be aware, that as an employer or principal, you have a requirement under the Work Health and Safety Act 2020 to notify WorkSafe of a 'notifiable incident' which includes the death of a person or an injury:
 - requiring hospital admission;
 - requiring treatment as listed in the legislation;
 - which in the opinion of a medical practitioner is likely to prevent the injured worker to do their normal work for at least 10 days after the day on which the injury or illness occurs.

For more details on notifiable incidents please visit the WorkSafe website at <http://www.commerce.wa.gov.au/worksafe/>

Incidents can be reported to WorkSafe by telephone on 1300 307 877 or via the website.

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. You may also contact WorkCover WA, the statutory authority for workers compensation and injury management on telephone 1300 794 744.

How CGU protects your injured worker'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. 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.

