

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 weekly payments or reasonable medical expenses.
- Weekly compensation payments (if applicable), will commence from the date of incapacity, supported by a valid workers compensation Certificate of Capacity. Weekly compensation rates are based on "weekly earnings" as defined in the Workers' Compensation and Injury Management Act 1981.

If the worker is paid pursuant to an industrial award or enterprise agreement, the compensation rate for the first 13 weeks is based on the industrial award plus any over award payment and the average of other payments in the prior 13 weeks up to the statutory limit. After this, the compensation rate has been adjusted to the basic award rate, plus any over award and other payments paid on a regular basis up to the statutory limit.

If the worker is not paid pursuant to an industrial award or enterprise agreement, the compensation rate for the first 13 weeks is based on any earnings in the past 52 weeks up to the statutory limit. After this, the compensation rate is adjusted to 85% of the last year's average earnings or up to the statutory limit.

- 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 an injured 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 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.
- 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, forward a copy of the receipt clearly indicating who should be reimbursed.
- You are required to commence the first weekly compensation payment within 14 days of acceptance of liability. If not, a penalty may be applied by WorkCover WA. To ensure consistency of income for your injured 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 or we advise otherwise.
- We need your continued support to return the injured 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 injured worker in developing a Return to Work Plan, noting that the injured worker can request a preferred provider.
- Where a medical case conference has been arranged to discuss the injured worker's recovery and return to work, the injured worker is entitled to consult privately with their medical practitioner prior to and during the case conference if required.

Responsibilities (continued)

- You must make available the position held by your injured worker immediately before they became entitled to weekly payments of compensation for a period of 12 months. This means that if your injured worker attains a partial or total capacity for work within 12 months of becoming entitled to weekly payments of compensation, you must make their previous position available to them. If that job is not available or it is not practicable to do so, please contact us immediately so we can advise on the next steps. If you intend to dismiss your injured worker you must provide a Notice of Intention to dismiss to WorkCover WA no less than 28 days before the dismissal is to take place.
- If we (the insurer) or the injured worker file an application with WorkCover WA in respect of a dispute over entitlements, you must attend all Arbitration hearings.
- 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 Occupational Safety and Health Act 1984 to notify WorkSafe of any injury, which in the opinion of a medical practitioner, is likely to prevent the injured worker from being able to work within ten days of the injury occurrence.

There is also a requirement to report work related deaths and certain types of injuries and diseases. To view these specified injuries and diseases please visit WorkSafe's 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.



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