

# INFORMATION FOR WORKERS

## YOUR RIGHTS AND RESPONSIBILITIES

Western Australia

You play the most important role in your recovery. It is important to actively participate in your treatment and rehabilitation, stay in touch with your workplace and your family and friends and return to your normal routine when it is safe to do so. Within your role, you have the following rights and responsibilities:

### Rights

- 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 Act. 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.
  - If you have an entitlement to income compensation payments they will be paid to you by your employer, on their usual pay day.
  - You are entitled to attend a medical practitioner of your choice and to payment of reasonably incurred medical and health expenses.
  - You are entitled to claim for other miscellaneous expenses, including reasonable costs of travelling and accommodation when attending treatment (such as vehicle running expenses using the prescribed per kilometre rate).
  - The maximum compensation payable for income compensation payments and lump sum for permanent impairment compensation is called the general maximum amount, (please see WorkCover WA website for details on the general maximum amount ([www.workcover.wa.gov.au](http://www.workcover.wa.gov.au))) and is indexed annually. We will notify you when 80% of the general maximum amount has been reached.
- There are also maximum amounts payable for other expenses, such as your expenses for medical and health, called general limits. You will be notified by us when the amount of the general limit for medical and health has reached 60%.
- You have the right to participate in the development of your return to work program, in conjunction with your employer and treating medical practitioner.
- You may also be entitled to workplace rehabilitation for which there is a general limit for workplace rehabilitation expenses. You have the right to choose an accredited workplace rehabilitation provider of your choice.
- Where a return to work case conference has been arranged to discuss your recovery and return to work, you may attend the appointment with one support person.
  - As your general limit for medical and health expenses is capped, accessing subsidised Pharmaceutical Benefits Scheme (PBS) medications will see your capped general limit go further. If you require medication and you have a Medicare card, check with your doctor whether it can be prescribed under the PBS.
- For medications considered reasonable for your claimed injury, we will reimburse:
- all patient contribution charges set out in the PBS, including brand and therapeutic premiums.
  - for non-PBS (privately prescribed) medications if, in the medical practitioner's opinion, the medications are clinically appropriate for your condition and there is no readily available alternative on the PBS.

- You are entitled to request in writing, copies of documents relating to your claim.
- If you disagree with a decision made in relation to your claim, you have the right to request that the decision be reviewed via our internal Dispute Resolution process. If you are not satisfied with the result, you may lodge an application for review with WorkCover WA.

## Responsibilities

- To support any ongoing incapacity for work and need for treatment, you are required to supply your employer or us with regular workers compensation certificates of capacity. If your condition deteriorates, we request that you see your treating medical practitioner for review and update your employer or us as soon as practicable.
- All invoices for medical and other expenses are to be forwarded to your employer or us. If the invoice has been paid, please forward a copy of the receipt clearly indicating who should be reimbursed.
- Treatment such as physiotherapy, osteopathy, exercise programmes and medication must be prescribed by your treating medical practitioner. So we can provide prompt approval for reasonable treatment and costs, please keep us informed of your treatment referrals. Any non-attendance fees that are incurred will be your responsibility.
- Approved medical treatment, including treatment provided interstate, is paid at the gazetted rates agreed by WorkCover WA. Please note interstate treatment providers may not be aware of the WA gazetted rates and may charge above those rates. In all cases, we will only meet medical costs up to the gazetted rates and any charges above the gazetted rates will remain your responsibility. Please see the WorkCover WA website for details, [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au)
- You must make reasonable efforts to return to work, which includes actively participating in a return to work program and undertake workplace rehabilitation when required to do so.
- If you commence remunerated work with another employer after making a claim for income compensation, you are required to inform your employer or us within 7 days of the commencement of that work. The Act states at section 32(1) that a fine of \$5,000 applies for non-compliance of this obligation.
- If you are residing outside the state and receiving income compensation, you are required to prove your continued incapacity using the WorkCover approved form named 'non-resident worker - incapacity declaration' The signed document is required to be submitted to us every 3 months while you are not residing in Western Australia, and if not received, can affect your entitlement to receive income compensation.

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, TTY (Typewriter for people who are deaf or hard of hearing) (08) 9388 5537.

## Privacy and your information

Set out below is important information about:

- a) the purposes for which we collect your personal information
- b) the way in which we handle your personal information
- c) how you can gain access to your personal information
- d) the organisations (or the types of organisations) to which we disclose personal information
- e) the main consequences for you if all or part of your personal information is not provided to us, and
- f) how you can gain further information about the way in which we handle your personal information in accordance with our Privacy Policy.

## Collection, use and disclosure of personal information

We need to collect, use and disclose your personal information to assess, investigate, manage, defend and otherwise deal with your claim. If you choose not to provide any or some of the information requested, this will affect our ability to do the above and will result in a delay in the assessment of your claim. It may also lead to your claim being declined. In addition, we may collect, use and disclose your personal information to administer and manage our products and services, including the management and administration of underwriting and claims, recoveries and settlements.

1. By providing your personal information (including sensitive information such as medical information) to us, you consent to us:
  - a) collecting and using your personal information for the purposes of assessing, investigating, managing, defending and otherwise dealing with your claim or any subsequent claim including producing and providing access to claim data reports, and
  - b) for the purposes set out in 1. a), disclosing your personal information (on a confidential basis) to and collecting it from any of the following parties (some of which may be located outside of Australia) -
    - i. your employer; our related entities, our distributors and agents; our investigators, mercantile agents, wage auditors, medical providers, rehabilitation/injury management providers and any other party providing services to us or to your employer
    - ii. the agent of any of the parties referred to in b) i) above
    - iii. other insurers, insurance intermediaries, insurance brokers, insurance consultants, government regulators or insurance reference bureaux

- iv. lawyers, Workers Compensation Regulators and law enforcement agencies, and
  - v. any other party as is required by law or other Court order.
2. By providing personal information about anyone else, you acknowledge that you are authorised to provide that personal information to us and that you will inform such other persons:
- a) who we are
  - b) that we will use and disclose their personal information in the manner detailed in 1. above, and
  - c) that they can gain access to their personal information.

If you do not consent to our collection, use and disclosure of your personal information as explained in this form, you need to inform us immediately in writing.

## Our Privacy Policy

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.

