

# Important Information for Workers

## Workers' Compensation and Injury Management





## Disclaimer

This brochure is intended to provide general information only. You should not act or omit to act on the basis of anything contained herein. You should seek appropriate legal/professional advice about your particular circumstances.

## Workers' Compensation and Injury Management Important Information for Workers

This brochure provides you with basic information about the workers' compensation system and the injury management process.

More detailed information about the system and process can be found on the WorkCover WA website at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) or obtained by contacting the Advisory Services on 1300 794 744.

### The aim of workers' compensation and injury management

The primary goal of the system is to support injured workers to return to gainful employment through injury management.

A worker who suffers a work-related injury or disease and needs medical treatment and/or cannot work because of the injury, is entitled to claim workers' compensation.

### Injury management process

Injury management is the process whereby you, along with your employer and your treating medical practitioner, work together as a team to assist you to stay at work, or return to work following a workplace injury.

Your employer is required to have an injury management system in place. This should be a written description of what steps will be taken when an injury occurs and will include the contact details for the person responsible for the injury management system in your workplace.

Your employer must provide you with a copy of the injury management system if you ask for it.

## Return to work programs

Your employer is required to establish a return to work program for you if your doctor indicates on your First or Progress Medical Certificates that you are:

- partially fit to return to work in your usual job
- or, totally or partially fit to return to an alternative job.

This needs to be done with your agreement and must be in writing.

The return to work program should include:

- your name and the name of your employer
- a description of the goal of the return to work program
- the actions to be taken and who is to take them
- a statement as to whether or not you agree to the program.

Any changes that need to be made to the return to work program as a result of advice from your treating doctor must also be made with your agreement and in writing.

Your employer has to give you and your treating doctor each a copy of the return to work program and any changes made to the program.

## Choice of treating medical practitioner

You are able to choose your own treating medical practitioner.

## Review by employer's medical practitioner

Your employer or its insurer may refer you to a medical practitioner of their choice before or after your claim has been accepted. You are required to attend this appointment for medical examination only.



If you do not attend without reasonable excuse, refuse to submit yourself for examination, or in any way obstruct the examination, your right to compensation, to execute any proceedings under the *Workers' Compensation and Injury Management Act 1981* (the Act), and your right to weekly payments of compensation, may be suspended.

### What is vocational rehabilitation?

Vocational rehabilitation is a specific service that may assist in helping you stay in, or return to, suitable work. WorkCover WA approves vocational rehabilitation providers. To obtain a list of approved providers please contact WorkCover WA Advisory Services or visit our website.

### Choice of vocational rehabilitation provider

The injury management team should discuss the need to support a referral to a vocational rehabilitation provider, but you have the right to choose which rehabilitation provider you wish to use. You may like to talk to your medical practitioner or your employer concerning their recommendation.

Please Note:

You have the right to choose your vocational rehabilitation provider and you may be asked to sign a document that indicates you understand this and have exercised this choice of provider.

## Claim process

When you are injured at work you should:

- Seek first aid.
- Report the incident or accident as soon as possible.
- Visit a doctor (of your own choice) and obtain a First Medical Certificate.
- Fill in a Workers' Compensation Claim Form (2B) (available from your employer, their insurer or WorkCover WA).

To proceed with a workers' compensation claim you must hand your First Medical Certificate and the completed Workers' Compensation Claim Form (2B) to your employer as soon as possible.

Your employer must then:

- Complete the employer section of the Workers' Compensation Claim Form (2B).
- Send the Workers' Compensation Claim Form (2B) and your First Medical Certificate to their insurer within three working days of receiving it.
- Establish a return to work program for you (if your doctor indicates that one is required).

Insurer responsibility:

- Within 14 days notify you and your employer, in writing, whether your claim is accepted, disputed or undecided. The insurer must also explain the basis for their decision.
- Or, if your employer is a self-insurer, they must notify you whether your claim is accepted, disputed or undecided within 17 days of receiving it.
- The insurance company may assign an assessor to investigate your claim, it is your choice whether you agree to being interviewed by the assessor and a person of your choice may accompany you.
- If liability is disputed or deferred, or you do not hear from

the insurer within 17 days of making the claim on your employer, then you can contact the WorkCover WA Dispute Resolution Directorate to have the matter resolved.

- You can contact WorkCover WA Advisory Services on 1300 794 744 for further information.

Your employer must commence making weekly payments to you if your claim is accepted by the insurer and your doctor has certified you totally or partially unfit for work. Weekly payments are paid in the usual manner and on your normal payday.

If the insurer advises you that they dispute your claim or are still undecided about your claim more than 10 days after notifying you that they need further information, your claim is deemed to be in dispute. If the insurer fails to reply within 14 days of the claim being lodged with them, then you become entitled to weekly payments of compensation. In either of these instances you may lodge a dispute with the Dispute Resolution Directorate. Contact WorkCover WA Advisory Services for further information.

While your claim is being assessed, you may consider requesting your employer to pay you any accrued leave (such as, annual or sick leave). This would not indicate liability being accepted, but may provide interim financial support for you while a decision on liability is being made. If the claim is approved, weekly payments of workers' compensation would commence and the leave would need to be re-instated.

### Accounts and invoices

When a claim has been accepted, forward all accounts and invoices relating to medical treatment and other approved statutory allowances to your employer or their insurer, as soon as reasonably possible.

## Employer obligation to maintain employment

If you reach partial or total capacity for work within 12 months from the day you became entitled to weekly payments of compensation, your employer is required to provide you with the position held by you immediately before that day, if it is reasonably practicable to do so. If that job is not available or you can no longer perform that job, your employer must provide a similar position for which you are qualified and capable of performing, that is comparable in status and pay.

If an employer wishes to terminate a worker within the 12 months mentioned above, they must give the worker 28 days written notice of their intention. WorkCover WA must be notified of this intent at the same time.

## What happens if I am dismissed or resign?

If you are certified as totally unfit for work, your employer is still responsible for paying appropriate workers' compensation weekly payments and your entitlements under the Act, even if you have been dismissed or resign of your own accord.

Where you are certified partially unfit for work and are dismissed or resign, in some circumstances the employer may continue to be responsible for paying appropriate workers' compensation payments.

## What happens if I get another job?

You must inform your employer or its insurer in writing within seven days if you commence another job. You may still be entitled to partial incapacity payments and other benefits.

## Consent authority

To assist with workers' compensation and injury management you may be requested to provide your written consent for your employer and doctor to speak to each other. This can

also be provided on the First Medical Certificate and the Workers' Compensation Claim Form (2B).

You should be aware that if you do not provide your consent, it may be difficult for your employer and their insurer to determine liability on your claim.

## Entitlements

The system provides the following entitlements to injured workers:

- Compensation for loss of earning capacity, limited to a maximum amount (currently twice the Australian Bureau of Statistics average weekly earnings for an adult in WA) per week, and a total maximum entitlement for the life of the claim. This maximum amount is known as the Prescribed Amount.
- Reasonable medical and other expenses (calculated at 30 per cent of the Prescribed Amount).
- Reasonable vocational rehabilitation expenses (calculated at seven per cent of the Prescribed Amount).
- Specialised retraining allowance, if essential for a return to work, provided the worker meets all retraining criteria.
- Exceptional circumstances medical entitlement for seriously injured workers of up to \$250,000 for operations and post-operative care.
- Reasonable travelling and accommodation expenses.
- Lump sum settlements in certain circumstances.

The Prescribed Amount and the maximum weekly payment amount are indexed on 1 July each year. Information can be obtained by contacting WorkCover WA Advisory Services or by visiting our website.

## Other useful contacts you may need

For social security enquiries, and enquiries about how receipt of a lump sum payment in the settlement of a workers' compensation claim may affect your social security entitlements, contact Centrelink on 13 27 17.

For issues which may affect your personal taxation, contact the Australian Taxation Office on 13 28 61.

For enquiries about work safety and health issues, contact the WorkSafe Information Line on 1300 307 877.

For information on wage rates and award conditions contact the Department of Consumer and Employment Protection's Wageline on 1300 655 266.

You may wish to contact your union for information and advice.

For emergency counselling services contact Crisis Care on 08 9223 1111.

## About WorkCover WA

WorkCover WA is the statutory authority responsible for the administration of the *Workers' Compensation and Injury Management Act 1981* and regulations.

## Further information

The information provided in this brochure is intended to be a brief introduction to the *Workers' Compensation and Injury Management Act 1981*.

Additional information services and publications can be obtained by telephone or in person from:

WorkCover WA  
2 Bedbrook Place  
Shenton Park WA 6008

Telephone: 08 9388 5555

Facsimile: 08 9388 5550

Advisory Services: 1300 794 744

TTY (hearing impaired): 08 9388 5537

Website: [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au)

Email: [postmaster@workcover.wa.gov.au](mailto:postmaster@workcover.wa.gov.au)

Advisory Services is a telephone information service which provides general information on workers' compensation and injury management.

Information is also available in alternative formats for people with disabilities, including an audio loop, which is available on 48 hours notice for the hearing impaired.

Interpreter services paid for by WorkCover WA can be made available with prior notice.

The Injury Management Review Unit deals with queries about injury management and vocational rehabilitation.

The Dispute Resolution Directorate arbitrates on matters that are disputed between the parties.

Information seminars for workers are held on a regular basis and are free of charge. More information is available from the Calendar of Events at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) or from advisory services on 1300 794 744.



2 Bedbrook Place  
Shenton Park  
Western Australia 6008  
[www.workcover.wa.gov.au](http://www.workcover.wa.gov.au)

<b>telephone</b>	08 9388 5555
<b>facsimile</b>	08 9388 5550
<b>advisory services</b>	1300 794 744
<b>TTY</b>	08 9388 5537

