

GIO WORKERS COMPENSATION

WESTERN AUSTRALIA

Procedures to be followed after an injury to an employee

1. Submitting a workers compensation claim

As soon as you are aware that a worker has suffered an injury, particularly where there may be lost time from work, the worker must seek medical aid and obtain a certificate issued by a duly qualified registered medical practitioner. A worker is unable to receive weekly payment of wages unless supported by a medical certificate certifying total/partial incapacity.

Accidents of a very serious nature should be reported to GIO immediately so that we can arrange for investigations to be undertaken, if necessary. You should contact GIO if you are unsure what to do.

If a claim is to be lodged, you must complete a Workers Compensation Claim Form, and the GIO Employer's Report of Injury Form. These are available from GIO.

GIO recommends the injured worker sign the Injured Worker Information Consent Form. This will enable an injury management representative from the employer or GIO to consult with the injured worker and the treating practitioner, regarding initiating a return to work plan or referral to specialist vocational rehabilitation services.

Claim forms

As the employer, you are required to complete the Employer Detail Section of the Workers Compensation Claim Form, as well as the GIO Employer's Report of Injury Form.

The Worker is required to complete the Worker Details section of the Workers Compensation Claim Form.

In the event of the worker's injury arising from a motor vehicle accident, please ensure the worker completes the Claim Form for Injury on the Journey.

Forward the Workers Compensation Claim Form, the Employer's Report of Injury Form and the First Medical Certificate, along with any other correspondence immediately to GIO. The Workers Compensation and Injury Management Act 1981 requires you to do this within five working days (5) of the Workers Compensation Claim Form and the medical certificate being given to you by the worker.

All forms must be forwarded to GIO as a matter of priority to assist with the return to work process and avoid unnecessary delays with claims management. Fines in the amount of \$1000 (per breach) may be imposed by WorkCover WA if claims are not lodged within the above time frames.

Witness form

If there have been any witnesses to a worker's injury, GIO recommends that the witness complete the Witness Form. This will assist our claims personnel to determine liability with regard to the claim.

If you have any concerns regarding the claim, please contact GIO to speak to your assigned Claims Advisor, prior to lodging the documents.

2. Notifiable injuries

Occupational Safety and Health Regulations 1996 Reg 2.4 specifies the types of injuries to be reported to WorkSafe WA.

- A fracture of the spine, skull or pelvis;
- A fracture of any bone in the arm, other than the wrist or hand or in the leg, other than a bone in the ankle or foot;
- An amputation of an arm, hand, finger, finger joint, leg, foot, toe or toe joint;
- The loss of sight in an eye; and
- Any other injury which, in the opinion of a medical practitioner, is likely to prevent the employee from being able to work within ten days of the day on which the injury occurred.

3. Injury management

GIO recognises that early intervention and pro-active injury management is critical to achieving return to work goals. We also understand that medical practitioners and employers are key decision-makers in the return to work of injured workers.

Our claims staff, who are formally trained in injury management can assist to develop suitable return to work plans and assess the indicators for referral to specialist vocational rehabilitation services. When required, we will contact all parties to discuss the worker's progress and return to work options.

To promote early intervention, GIO may fund up to \$2000 (at the discretion of the Claims Advisor) for specialist vocational rehabilitation services on a without admission of liability and without prejudice basis regardless of the status of the claim. This encourages early injury management regardless of the time taken in the determination of liability for the claim.

If you would like GIO to act on your behalf in relation to the Injury Management Process, please complete the Employer Authorisation Form (contained in the information pack) and submit it with the claim forms or as soon as practicable after the incident.



Establishment of Injury Management Systems

As the employer, you are required to have in place an injury management system in relation to your workers which is in accordance with the Injury Management Code of Practice.

Pursuant to section 155B of the Workers Compensation & Injury Management Act 1981 a fine of \$2000 may be imposed by WorkCover WA for failure to comply with this requirement.

Establishment of Return to Work Programs for Individual Workers

As the employer, you are required to establish a return to work program for an injured worker as soon as practicable once the treating medical practitioner has provided written certification that the worker can return to work other than their pre-injury role.

The return to work program must be in accordance with the Injury Management Code of Practice.

Pursuant to section 155C of the Workers Compensation & Injury Management Act 1981 a fine of \$2000 may be imposed by WorkCover WA for failure to comply with this requirement.

If you have any further enquires regarding injury management and approved vocational rehabilitation providers, please do not hesitate to contact the injury management division of GIO.

4. Determining liability for the claim

Once we receive the claim form and the first medical certificate, we will make a decision about liability for the claim, (either claim accepted, denied or pending) within fourteen days. A letter will be sent to you about our decision on liability and will include the claim number.

- If the claim is “**accepted**”, and it involves time lost, you may start payment of compensation for the period of incapacity shown in the First Medical Certificate. Any other documents should be sent to us as you receive them, quoting the claim number.

- If the claim is “**pending**”, it means GIO needs further information, either by investigating the accident or seeking more detailed medical information. If we are unable to reach a decision within fourteen (14) days of us receiving the claim form, we will notify you, the worker and WorkCover WA that more time is required to make a decision regarding liability.
- If the claim is “**denied**”, we will notify you, the worker and WorkCover WA that liability is denied or disputed, and the grounds for our denial.

Recurrence or aggravation of old disabilities

In the event that a worker seeks medical attention with respect to a previous claim and there has been either a significant break since the worker last had treatment, or the worker has returned to work and is again certified unfit, liability is once again in dispute and the above procedure must again be adhered to.

- You should send a ‘Recurrence of Disability’ claim form and send it to GIO together with any Witness Forms and medical certification.

Important notice

Whether a new claim or a recurrence of an old injury, under no circumstances should compensation payments be made to the worker without GIO’s express authority.

Once our enquires are complete, we will advise you of our decision regarding liability. You are encouraged to pay any accrued sick leave or annual leave entitlements to the worker in the intervening period. If the claim is subsequently accepted, these entitlements can be re-credited to the worker.

5. Calculation of weekly payments

A cap on weekly payments now applies for the duration of a claim. This is indexed on an annual basis. Please consult your Claims Advisor for the current amount.

	Workers whose earnings are prescribed by an industrial award	Workers whose earnings are not prescribed by an industrial award
First 13 weeks of claim	Weekly payments will consist of the rate of weekly earnings payable under the relevant industrial award, plus any over award or service payment paid on a regular basis including overtime, bonuses or allowances. Please consult your Claims Advisor for the maximum amount. Overtime, bonuses or allowances are averaged over the 13 weeks from the date of incapacity.	Weekly payments will consist of the worker’s average weekly earnings (including overtime, bonuses or allowances) averaged over the period of one year ending on the day before the injury occurs. Please consult your Claims Advisor for the maximum amount.
14th week onwards	Weekly payments will consist of the rate of weekly earnings payable under the relevant industrial award, plus any over award or service payment paid on a regular basis, any allowance paid on a regular basis and related to patterned hours eg Shift allowance but excluding overtime, bonuses and other allowances. Please consult your Claims Advisor for the maximum amount.	Weekly payments will “step down” to consist of 85% of the worker’s average weekly earnings. Please consult your Claims Advisor for the maximum amount.
Minimum rate	Subject to the cap the minimum rate of weekly earnings payable for the appropriate classification under the relevant award.	Subject to the cap the minimum rate of weekly earnings payable under the Minimum Conditions of Employment Act 1993.

6. Payment of compensation

You are obliged to pay compensation to workers at the usual place of payment on their normal payday. Do not pay compensation in advance of normal paydays. If you do not receive a further certificate of **incapacity**, contact us for further advice.

Important notice

Once GIO have authorised commencement of weekly payments, under no circumstances should compensation payments be varied or ceased without GIO's express authority.

7. Deduction of taxation instalments

You are required to deduct taxation as you would for normal wages.

8. Reimbursement of compensation

Complete the "Details of Compensation to be Reimbursed" forms for all compensation paid and submit these to GIO at least on a monthly basis.

9. Centrelink payments repayable by the worker

If liability is disputed or declined, the worker may apply for financial assistance from Centrelink. Should the claim later be accepted, you are legally obliged to deduct any amount owing to Centrelink from payments that are going to be made to the worker, until the debt is satisfied.

10. Medical and incidental expenses

Please forward any medical accounts to us when you receive them and ensure all accounts have the claim number on the account. Please do not pay any accounts without our approval, as this is deemed to be an admission of liability. We will make payments to the creditor concerned.

11. Employers responsibility to retain position during period of incapacity

Section 84 AA of the Workers Compensation & Injury Management Act 1981 requires an employer to keep a worker's position available during the period of incapacity.

If the worker gains some capacity for work within 12 months from the day that the worker becomes entitled to receive weekly payments of compensation, then:

- The employer is to reinstate the worker in his or her pre-injury job if reasonably practicable, or:

- If there is no position available, or the worker is incapable of performing that work, the employer is to reinstate the worker with work for which the worker is qualified and capable and which is most comparable in status and pay with the pre-injury work.

Section 84AB makes a requirement of an employer, upon which s84AA applies, to give 28 days notice to both WorkCover WA and the worker of its intention to dismiss the worker.

The notice is regulated and prescribed by WorkCover WA in accordance with the Worker's Compensation and Injury Management Regulations 1982, regulation 12AA form 15G see State Law publisher website. (Penalty \$2000.)

12. Travelling expenses

Injured workers can claim reasonable cost of travelling to and from medical and like appointments. Please visit the WorkCover WA website for current travel rate. Please have the worker complete the Refund for Travel Form and forward this to us when practicable.

13. Strategic workers compensation management course

This training course is designed to teach employers how to manage workers following an injury to achieve a managed return to work within the shortest possible time frame, to reduce the financial exposure of the claim.

We also educate you on how to develop a structured injury management system and provide guidelines for developing an Injury Management policy and procedure to suit your organisation. These workshops are held regularly and we welcome you to contact Injury Management at GIO if you would like to know more about this course.

14. Information dissemination

As part of our service to you, information regarding the management and progress of individual claims and data on the cost of your claims is available on request.

Alternatively you can apply for access to GIO's web based reporting system. This Internet based reporting tool will allow you to view the details relating to all claims lodged under your policy; this information includes:

- Amounts paid,
- Estimates outstanding;
- Nature of injuries; etc.

Further information regarding this package can be obtained from a GIO Account Manager.

KNOW NOW

How to contact us

- Phone: **13 10 10**
- Web: **gio.com.au**
- Email: **wcclaimswa@gio.com.au**
- Fax: **1300 553 488**
- Post: **WA claims, GPO Box B50 Perth WA 6838**

Who we are

Insurance issued by AAI Limited ABN 48 005 297 807 trading as GIO