

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, the worker must seek medical aid and obtain a First Medical Certificate issued by a medical practitioner.

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, the worker must complete a Workers Compensation Claim Form. You, as the employer, are to complete the Employer Section of this form. We also request that you, the employer complete the GIO Employer's Report of Injury Form. These are available on our website.

GIO recommends the injured worker sign the consent authority on their claim form. This will enable a representative from the employer or GIO to consult with the injured worker and the treating medical practitioner, regarding initiating a return to work plan or referral to an approved workplace rehabilitation provider.

In the event of the worker's injury arising from a motor vehicle accident, please ensure the worker completes the Journey Claim Form, which is available on our website.

The Workers Compensation Claim Form, the Employer's Report of Injury Form and the First Medical Certificate, along with any other correspondence are to be forwarded immediately to GIO. This can be done by emailing the documents to wclaimswa@gio.com.au. The Workers Compensation and Injury Management Act 2023 requires you to do this within seven (7) days 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 \$5,000 (per breach) may be imposed by WorkCover WA if claims are not lodged within the above time frames.

2. Notifiable injuries

As per the Work Health and Safety Act 2020 you as the Employer have an obligation to inform WorkSafe WA of workplace incidents that result in:

- The death of a person
- A serious injury or illness or
- A dangerous incident

Please refer to WorkSafe WA's Incident notification guideline for further information.

3. Injury management

GIO recognises that early intervention and pro-active injury management is critical to achieving successful return to work. 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 workplace 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 workplace rehabilitation services and/or medical expenses on a without admission of liability and without prejudice basis regardless of the status of the claim. This encourages early injury management whilst liability for the claim is being determined.

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 Workers Compensation and Injury Management Regulations 2024 Pursuant to section 159 of the Workers Compensation and Injury Management Act 2023, a fine of \$5,000 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 the approved form and in accordance with the Workers Compensation and Injury Management Regulations 2024.

Pursuant to section 160 of the Workers Compensation and Injury Management Act 2023 a fine of \$5,000 may be imposed by WorkCover WA for failure to comply with this requirement.

If you have any further enquiries regarding injury management and/or workplace rehabilitation providers, please do not hesitate to contact your Claims Advisor.

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 within fourteen (14) days. A letter will be sent to you confirming our decision to either Accept, Defer or Deny liability.

If the claim is “accepted” and it involves time lost, you may start payment of income compensation to the worker in accordance with the weekly rate advised by GIO, for the period of incapacity shown in the medical certificate.

If the claim is “deferred”, it means GIO needs further information, either by investigating the incident or seeking more detailed medical information. Your cooperation with any investigations will assist GIO in making a timely liability decision. If we are unable to make a decision within fourteen (14) days of receiving the claim, we will notify you and the worker that more time is required to make a decision regarding liability.

If liability is deferred for more than 28 days after the claim was received by GIO, then the worker becomes entitled to receive Provisional payments which may include weekly income compensation payments and medical/health like expenses. If liability is later declined or the worker is certified fit to return to their pre-injury duties and hours then the provisional income compensation payments cease.

If liability is still deferred after 120 days of the claim being received by GIO, then in accordance with the Workers

Compensation and Injury Management Act 2023, liability will be deemed to be Accepted.

If the claim is “denied”, we will notify you and the worker that liability is disputed and the grounds for our denial of the claim.

Recurrence or aggravation of old injuries

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, we may need to defer liability to conduct further investigations to determine liability for the recurrence or aggravation.

The worker is required to complete a ‘Recurrence of Injury’ claim form and send it to GIO together with any medical certification.

Important notice

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

Once our enquiries are completed, 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 income compensation

Following receipt of wage information, GIO will calculate the weekly income compensation rates and advise this to you.

There are two methods of calculating weekly income compensation rates, depending on whether the worker is employed under an industrial award (including enterprise orders, collective agreements and enterprise bargaining agreements) or non-industrial award. Please refer to the below table as to how the weekly rates are calculated:

	Workers whose earnings are prescribed by an industrial award	Workers whose earnings are not prescribed by an industrial award
First 26 weeks of incapacity	<ul style="list-style-type: none"> The Worker will receive an average of their gross earnings (including overtime, bonuses and allowances) paid to them over 12 months before the day on which they were injured or for the period they were in the position they held at the time of the injury (whichever is lesser). 	<ul style="list-style-type: none"> The Worker will receive an average of their gross earnings (including overtime, bonuses and allowances) paid to them over 12 months before the day on which they were injured or for the period they were in the position they held at the time of the injury (whichever is lesser).
27th week onwards	<ul style="list-style-type: none"> The Worker will receive 85 per cent of their average gross weekly earnings only if this amount is higher than the amount derived from the below calculation: The Worker will receive an average of their gross earnings paid over 12 months before the day on which they were injured and for the position they held at the time of the injury, based on the below: <ul style="list-style-type: none"> Earnings payable under their industrial award plus Any over award or service payments, overtime, bonuses and allowances paid on a regular basis. 	<ul style="list-style-type: none"> The Worker’s weekly payments will ‘step down’ to 85 per cent of their average gross weekly earnings.
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.
Maximum rate	A cap on weekly income compensation applies for the duration of the claim. This is indexed on an annual basis. Your Claims Advisor will advise you of this amount if applicable to the claim.	A cap on weekly income compensation applies for the duration of the claim. This is indexed on an annual basis. Your Claims Advisor will advise you of this amount if applicable to the claim.

6. Payment of income compensation

You are obliged to pay income compensation to the worker on their normal pay day based on the weekly rates advised by our office. The first payment must be made within 14 days of the claim being accepted.

Do not pay income compensation in advance of normal pay days. If you do not receive a further medical certificate of incapacity, contact us for further advice.

Income compensation payments are subject to deductions for taxation as per normal wages.

Important notice

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

7. Reimbursement of income compensation

You need to complete the income compensation invoice and send this to wclaims@gio.com.au referencing the claim number in the subject line of your email. We kindly ask that this be done on a regular basis i.e. at least monthly. If you don't have an income compensation invoice this is available on our website, or please contact your Claims Advisor who will arrange for this to be forwarded to you.

8. Ceasing Income Compensation

If the worker has made a return to work, the worker's weekly income compensation payments can't be reduced or ceased without first providing the worker with the required Workcover approved notice outlining the proposed variation to their weekly income compensation rate.

To avoid incurring additional payment for weekly income compensation to the worker, you must immediately advise GIO when the worker has returned to work performing their pre-injury duties and hours or if they are gradually increasing their hours whilst performing their pre-injury duties. This will ensure that the required notice is provided to the worker in a timely manner.

If you need more information with regards to this, please contact your Claims Advisor who will be able to assist you.

9. Centrelink payments repayable by the worker

If liability is deferred 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

If liability is accepted you or the worker should provide the claim number to healthcare providers to ensure invoices are sent directly to GIO for prompt payment and to avoid any out of pocket expenses for you and the worker. Please forward any medical accounts to us when you receive them by email to wclaims@gio.com.au referencing the claim number in the subject line of your email. 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 relevant service provider in accordance with Workcover WA gazette rates where applicable.

11. Employer's responsibility to retain position during period of incapacity

Section 166 of the Workers Compensation and Injury Management Act 2023, 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 first has an incapacity for work as a result of the injury, then:

The employer is to reinstate the worker in their 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.

This requirement does not apply where the worker is lawfully dismissed.

Section 168 makes a requirement of an employer, upon which s.166 applies, to give 28 days notice to the worker of its intention to dismiss the worker. The notice to the worker must be in accordance with the approved Workcover WA form which can be obtained on Workcover WA's website. A fine of \$10,000 may be imposed by WorkCover WA for failure to comply with this requirement.

12. Travelling expenses

Where the worker is required by you, GIO or a medical practitioner to travel to a medical appointment or workplace rehabilitation provider, the worker can claim the cost of reasonable travel expenses.

If the claim has not yet been accepted, the worker is responsible for these expenses. The worker should keep all travel receipts, records of payments for accommodation and kilometres travelled; if liability is later accepted this may be reimbursed. Travel costs are reimbursed on a per kilometre basis.

For workers residing in regional areas GIO may be able to provide assistance with travel and accommodation for medical appointments. For further information please contact your Claims Advisor.

How to contact us

- Phone: **13 10 10**
- Web: **gio.com.au**
- Email: **wclaims@gio.com.au**
- Post: **GPO Box B50, Perth WA 6838**

Who we are

This insurance is issued by AAI Limited
ABN 48 005 297 807 trading as GIO