

# Your Guide to Submitting and Managing a Workers' Compensation Claim

Information for employers



*Discover the CGU Advantage...*

# Your Guide to Workers' Compensation

This guide explains what to do if one of your employees sustains a work-related injury or disease and the basic process of making a workers' compensation claim with CGU in Western Australia.

## Disclaimer

This publication contains guidelines for managing workers' compensation claims.

It is designed to provide general information only and is not intended as a substitute for any legislation or resource to which it refers. You should not act or omit to act on the basis of anything contained herein. In relation to any particular matter you should seek legal advice where appropriate.

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# Initial Claim Process

## What do I do when an accident or injury occurs?

- Encourage your injured worker to seek medical attention from a medical practitioner as soon as possible and obtain a First Medical Certificate.
- Ensure the injury is reported to a Manager/Supervisor and Safety & Health Representative (if you have one) immediately.
- Record the incident in an 'Accident Book', which details the date/time of incident, nature of injury, what actually happened, what caused the incident, any witnesses, any medical attention provided, and to whom the injury was reported.
- Provide the worker with a Workers' Compensation Claim Form – available from us, or online at [www.cgu.com.au](http://www.cgu.com.au). The worker is required to complete the form where indicated, sign and date the form, and have somebody witness their signature.
- Provide CGU with Initial Notification of Injury. The fastest and most convenient way to do this is online at [www.cgu.com.au](http://www.cgu.com.au).
- When the worker gives you the First Medical Certificate and a completed Workers' Compensation Claim Form, complete the employer details section of the form and keep a record of the date you received the claim form. Detach the front cover and give it to the worker, as this contains information they require about their claim.
- Ensure both you and your injured worker have completed all tasks in the checklist at the end of the claim form.
- Complete the Workers' Compensation Employer's Report Form – available from us, or online at [www.cgu.com.au](http://www.cgu.com.au).
- Forward the Workers' Compensation Claim Form, Workers' Compensation Employer's Report Form, First Medical Certificate and any other correspondence (e.g. progress medical certificates, accounts) to us immediately. You need to do this within five (5) business days of the Workers' Compensation Claim Form being given to you by the worker. Please note a \$1000 penalty may apply if you fail to do so.
- Other documents should be forwarded to CGU as soon as you receive them.

## Tips for completing forms

- Provide all the requested information.
- Remember to provide both your personal and business/trading name.
- Your WorkCover number and your policy number are on your workers' compensation insurance policy. The claim number and ANSZIC code will be supplied by us.
- Include the address where the injured worker is usually employed if different from your business address.
- Remember you can contact CGU anytime for help with completing the forms on 1300 307 952.

## What injuries do I have to report?

It is a requirement of the Occupational Safety and Health Act 1984 that an employer whose employee suffers a reportable injury must notify WorkSafe WA by telephoning 9327 8777 or 1800 678 198.

Reportable injuries include accidents which result in:

- a fracture of the skull, spine or pelvis
- the death of an employee
- a fracture of any bone in the arm (other than the wrist or hand)
- a fracture of any bone in the leg (other than in the ankle or foot)
- amputations including and greater than a finger or toe joint,
- the loss of sight of an eye, **or**
- any other injury that a medical practitioner believes is likely to prevent the employee being able to work for 10 consecutive days.

There are also certain occupational and infectious diseases which need to be reported to WorkSafe WA.

Your organisation may have further regulatory obligations with regard to notifiable injury and dangerous occurrences. Contact WorkSafe WA for further information.

## Can I advise CGU of an injury/ incident before I complete all the forms?

Yes. It is essential to advise us of an injury as soon as it occurs. This is called Initial Notification of Injury. Providing CGU with initial notification of an injury means we can prioritise complex or high-risk claims and start planning in terms of claim and injury management. Ultimately this will mean we can achieve better return to work outcomes and help you keep your workers' compensation premium under control.

The most convenient way to provide initial notification is online via the .Live section of [www.cgu.com.au/workerscompensation](http://www.cgu.com.au/workerscompensation). Available 24/7, this system takes only a few minutes to complete and delivers a reference number which (upon formal notification) will become the claim number.

You can also provide initial notification via phone, fax or email.

Please note that initial notification does not replace your obligation to provide formal notification by submitting to CGU a claim form and medical certificate.

## What if the injury was caused by a motor vehicle accident?

If the worker's injury is the result of a motor vehicle accident, please ensure the worker also completes the relevant Employer's Indemnity Journey Report, available from us.

## Determining Liability

### Will I be told when to start making payments to the worker?

Yes. If the claim is accepted we will send you an Approval Letter advising the claim has been accepted and will outline the correct rate of pay. Compensation should not be paid until approved by us in writing and only at the rate advised.

If the claim involves the worker being unfit for work, you must commence payment of compensation for the period of incapacity shown in the First Medical Certificate. If you have any queries about when or how much a worker should be paid, please contact your Case Manager before making any payments.

For all claims with an accident date on or after 1 October 2011 you must make the first weekly payment to your injured worker within 14 days after notification of acceptance of the claim by CGU, or within 14 days of the date of the arbitrator's order. If you fail to do so, a \$2000 penalty may apply.

### How do I make weekly compensation payments?

You are obliged to pay compensation to workers at the usual place of payment on their normal pay day. For all claims with an accident date on or after 1 October 2011, if you reduce or withhold weekly payments of compensation that you have received from CGU for the worker, a \$2000 penalty may apply. This penalty applies individually for each weekly payment not made.

Do not pay compensation in advance of normal pay days. If you do not receive any further medical certificates certifying the worker's incapacity, contact us for further advice. Compensation must continue and cannot be stopped even if no further medical certificate is received by you.

Complete the Workers' Compensation Reimbursement Invoice forms for all compensation paid and submit these to us on a fortnightly/monthly basis, depending on your normal pay cycle.

### What if I have some doubts about the legitimacy of the claim?

If you have concerns about the claim, or there is additional information relevant to the claim, please telephone us in the first instance and then send us a covering letter explaining your concerns when sending in the claim documents.

## What if CGU can not make a decision straight away?

As your insurer, our service standard is to make a decision whether or not to accept liability within five (5) business days. If we decide to 'Pend' the claim (i.e. defer the decision) in order to investigate the nature and cause of the injury to help us make a decision, then we will advise you in writing that the claim is 'Pending', and we'll do this within 14 business days of receiving the claim.

## What if the claim is not accepted?

If the claim is to be declined, we will discuss this with you in the first instance, and a letter will then be sent to you and the worker advising of the specific grounds for denial. This letter is an Insurer's Notice to advise you and your injured worker that liability is denied or disputed. We will advise the worker of their rights to refer the decision to our Internal Dispute Resolution Panel for further consideration.

If a claim is not accepted the worker can contact WorkCover WA on (08) 9388 5555, or via their website [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) for further advice about their rights to dispute the decision.

# Return to Work Process

## What is a Return to Work Program?

A Return to Work Program (RTW Program) is a document which outlines the hours and duties a worker can complete following an injury. It is a formal written program developed in conjunction with all parties.

A RTW Program is a constantly changing document which provides a record for all parties to know exactly what duties and hours an injured worker is safe to perform and when.

A RTW Program should be regularly reviewed and updated to ensure the worker is coping. You can do this by meeting regularly with the worker to ensure problems are resolved quickly, and to gradually increase duties as the worker is able and as supported by medical certification.

## When do I have to complete a Return to Work Program?

A RTW Program may be required for an injured worker to help them remain at work or return to appropriate duties following an injury. This needs to be done in consultation with their treating medical practitioner (GP).

A RTW Program must be established as soon as practicable if either of the following occurs:

- the worker is certified fit for partial or restricted duties, **or**
- the treating medical practitioner advises that one is required.

A RTW Program is NOT required if:

- the worker is totally unfit, **or**
- the worker is fit for pre-injury duties and hours.

## Why should I complete a Return to Work Program for an injured worker?

One of the best ways for an injured worker to recover is to gradually increase the physical duties they perform on the job. A worker does not have to be fully recovered or have finished treatment before they can return to work, and easing back into work by participating in a RTW Program may help them recover sooner.

Any RTW Program is always based on medical evidence/recommendations. Please note that a \$2000 fine may also apply for not having a RTW Program in place.

Please contact WorkCover WA on (08) 9388 5555, or via their website [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) for more information.

## How do I complete a Return to Work Program?

A RTW Program should include the following:

- your name and the name of the injured worker – include position, title and location of the workplace.
- the description of the goal of the RTW Program, for instance:
  - **same employer – same duties**
  - **same employer – new duties**
  - **new employer – new duties.**
- the hours and duties to be completed
- the current medical restrictions
- the actions to be taken and who is responsible – these may include provision of any equipment, dates for review of program and who to report any problems to
- a statement as to whether the worker agrees with the program – generally confirmed in writing by worker signing the document.

It may help the medical practitioner to determine which duties may be appropriate by:

- listing the worker's usual duties
- listing physical demands of usual duties – e.g. bending, lifting requirements
- comparing physical demands of the job with the most recent medical restrictions outlined on the current medical certificate
- listing which of the usual duties fit in with these medical restrictions, **and**
- determining if duties can be modified to allow worker to complete them within medical restrictions.

Some things to consider when developing a RTW Program are:

- Can you modify some duties to allow the worker to complete a task safely?
- Can you physically modify the work environment or provide equipment?
- Can you build rest breaks into the job?
- Can you combine the injured worker's skills with another worker's skills to complete a task?
- Can the injured worker complete self paced work?

## Tips for writing a RTW Program

- Look carefully at what has been written on the medical certificate.
- Think practically how restrictions can be applied in your workplace.
- If something is unclear, seek more information from the doctor writing the medical certificate.
- Remember all injured workers need to be trained in appropriate safety procedures before recommencing duties if they will be working on a new site or different job.
- Be flexible.

Remember we may be able to help you develop a RTW Program for your injured worker, or organise a referral to a Workplace Rehabilitation Provider if appropriate. Please contact your CGU Case Manager for assistance.

## Can I speak to a worker's Medical Practitioner?

Yes. It is a good idea to contact the worker's treating medical practitioner as soon as possible after the injury to outline your organisation's Injury Management processes and determine the nature of injury. Remember to always advise the worker when you will be doing so. A worker may not always agree to you contacting their medical practitioner. You need to respect a worker's wishes but let us know if a worker withdraws their consent to you speaking to their medical practitioner.

It is also important to ensure the medical practitioner is involved with all revisions or changes to a RTW Program, and that they receive all relevant documentation.

## Helpful questions to ask the treating Medical Practitioner

- Are you able to explain to me what has happened to this worker?
- Is there any treatment the worker will need?
- Do you think alternative duties will be helpful?
- Are there any physical restrictions which will apply?
- Are you able to give an approximate timeframe for return to alternative duties/pre-injury duties?
- Is this worker on any medication which may affect his/her safety at work? (if applicable)

## What is a Workplace Rehabilitation Provider?

In most cases, you and your injured worker, with involvement of the treating medical practitioner, can develop and implement a RTW Program. However, there may be times when an approved Workplace Rehabilitation Provider (WRP) may help with the return to work process. This normally occurs when the key parties identify factors that may interfere with a successful return to work.

WRP's are independent companies approved by WorkCover WA who liaise with relevant medical professionals to supervise and coordinate a RTW Program, and ensure it is safe and successful.

The treating medical practitioner, you, or CGU on your behalf, can initiate a referral to a WRP, however all parties must agree to the referral. A referral may also be recommended by the medical practitioner on the worker's First Medical Certificate or Progress Medical Certificate. It is also important to be aware injured workers have the right to choose their own WRP.

## What should I say to my other workers about the situation?

Always make sure you prepare site supervisors/managers before an injured worker returns to work. Ensure they are aware of what the worker can and cannot do from a medical perspective and provide them with a copy of the RTW Program. This will ensure they do not ask the injured worker to complete duties that may aggravate their injury.

It will also help morale if you explain the process of return to work to co-workers, and address any issues they may have to avoid any misunderstanding. Remember to keep co-workers informed of any changes to return to work plans that may affect them, but make sure you have obtained permission from the injured worker first.

## Frequently Asked Questions

### Do I have to keep my injured worker's job open?

Yes. Under the Workers' Compensation and Injury Management Act 1981, you must keep an injured worker's position available during the worker's incapacity, where reasonably practicable, for 12 months from their first day of incapacity for their normal pre-injury role.

If the injured worker attains partial or total capacity to work during this time, you must provide their original position, where reasonably practicable, or another of equal status and pay for which they are qualified and capable of performing.

During the 12 month period, if you intend to dismiss the injured worker, 28 days notice of that intention must be given to the worker and to WorkCover WA. This is to be done on a prescribed form available from WorkCover WA or from us.

Please be aware that a \$5000 fine may apply for non-compliance with this requirement.

### What medical expenses are covered during the claim?

Under the Workers' Compensation and Injury Management Act 1981, injured workers can claim the reasonable cost of medical services. WorkCover WA in many cases has agreed rates with various treatment providers such as doctors and physiotherapists. These agreed rates are what CGU will pay in respect to medical treatment, including:

- first aid and ambulance to carry the worker to a hospital or other place for treatment
- medical expenses
- physiotherapy
- chiropractic
- hospital treatment
- workplace rehabilitation
- surgical appliances, artificial limbs, **and**
- other specified services.

As every case is different, each individual worker will be entitled to claim different costs, dependent on how appropriate the treatment is for their injury.

### What travel expenses are covered during the claim?

Injured workers can claim the reasonable cost of travelling to and from medical and associated appointments. CGU recommends that all workers complete a Travel Reimbursement Form to claim their reimbursement.

If travelling by motor vehicle, the worker will be reimbursed for the number of kilometres travelled at the applicable rate. Please check with us if any other form of transport will be used before incurring the expense.

# Notes



## Contact details

### **CGU Workers Compensation**

Level 2 46 Colin St  
West Perth WA 6005

GPO Box M929  
Perth WA 6843

Tel: 1300 307 952  
Fax: (08) 9264 2286

[cgu.com.au](http://cgu.com.au)

### **WorkCover WA Website**

[www.workcover.wa.gov.au](http://www.workcover.wa.gov.au)  
Tel: (08) 9388 5555 or 1300 794 744

### **WorkSafe WA Website**

[www.worksafe.wa.gov.au](http://www.worksafe.wa.gov.au)  
Tel: (08) 9327 8777 or 1800 678 198

Remember, our staff are always available to help you.  
Contact your CGU Case Manager directly or feel free  
to contact us on the number above.

You will also find all the information and forms you need  
to manage a claim at our website [www.cgu.com.au](http://www.cgu.com.au)

Alternatively you can contact WorkCover WA with  
any queries you may have in relation to workers'  
compensation matters.

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