

Responding to a Worker's Claim for Compensation

The **WCIMA23** provides for an insurer or self-insurer to respond to a worker's claim for compensation in a timely manner, with new obligations for provisional payments and deemed acceptance of liability, if liability decisions are not made within the prescribed timeframes.

Key Points

Act ref: ss. 28, 29, 30, 36

- Insurers and self-insurers will be required to respond to a worker's claim for compensation within 14 days of receiving the worker's claim (the same period will apply to insurers and self-insurers).
- In responding to a worker's claim for compensation an insurer or self-insurer must give the worker a liability decision notice or a deferred decision notice.
- A liability decision notice must state if the insurer or self-insurer accepts or does not accept that the employer is liable to compensate the worker for the injury to which the worker's claim relates.
- If the certificate of capacity for a worker's claim for compensation specifies the worker has any incapacity as a result of the injury, the liability decision notice must also state if the insurer or self-insurer accepts or does not accept the employer is liable to pay income compensation for incapacity.
- If an insurer or self-insurer gives a worker a deferred decision notice, the insurer or self-insurer must begin making provisional payments to the worker if a decision on liability is not made by the day prescribed by the regulations as the 'provisional payments day'¹.
- If an insurer or self-insurer does not accept liability for a worker's claim for compensation the worker may apply for the matter to be determined as a dispute.

Questions & Answers

Q. What happens if an insurer or self-insurer does not provide a response to the worker within 14 days of receiving the worker's claim for compensation?

A. The insurer or self-insurer will be deemed to have accepted that the employer is liable to compensate the worker and payments of compensation must be made. This includes income compensation for any incapacity.

Q. If an insurer or self-insurer gives a worker a deferred decision notice, how long do they have to make a decision on liability for the worker's claim for compensation?

A. A decision on liability must be made by the day prescribed by the regulations as the 'deemed liability acceptance day'¹. If a decision on liability is not made within this period, then the insurer or self-insurer will be deemed to have accepted that the employer is liable to compensate the worker and payments of compensation must be made. This includes income compensation for any incapacity.

¹the prescribed 'provisional payments day' and 'deemed liability acceptance day' will be determined as part of the development of regulations. Stakeholders will be consulted on these timeframes as part of the regulation making process.