



# **WorkCover WA Employer Compliance and Enforcement**

An equitable and fair guide for action.

July 2024

## Contents

Introduction .....	3
WorkCover WA.....	3
Guiding principles.....	3
Compliance and enforcement approach.....	4
<i>Compliance approach breakdown</i> .....	4
Further information and advice.....	5

## Introduction

1. The *Employer Compliance and Enforcement Policy: An equitable and fair guide for action* communicates how WorkCover WA regulates employer compliance with legal obligations under the *Workers Compensation and Injury Management Act 2023* (the Act).
2. This Policy should be read in conjunction with the Act ([hyperlink](#)), *Workers Compensation and Injury Management Regulations 2024* (the Regulations) ([hyperlink](#)), and the *Insurer and Self-insurer Principles and Standards of Practice* (Principles and Standards) ([hyperlink](#)).
3. For a guide on how WorkCover WA regulates service provider compliance with the Act, see the *Service Provider Regulatory Framework* ([hyperlink](#)).

## WorkCover WA

4. WorkCover WA is the government agency responsible for regulating the workers compensation and injury management scheme in Western Australia.
5. The scheme ensures workers suffering a work-related injury or illness are compensated for loss of income, medical expenses, and other associated costs.
6. The scheme's primary objective is to assist workers with achieving a safe and sustainable return to work after an injury in the workplace.
7. The role of compliance at WorkCover WA is to identify suspected breaches of statutory obligations, to investigate and pursue appropriate enforcement action where required.

## Guiding principles

8. As a regulator, WorkCover WA recognises the important role our compliance and enforcement activities play in ensuring employers have a policy of insurance.
9. Compliance initiatives are focused on areas of highest risk, while enforcement is informed by the severity of harm or potential harm, the degree of negligence and/or the need for deterrence.
10. The following principles guide the compliance and enforcement activities:
  - a. Equity and transparency.

We ensure equity and transparency in our enforcement action by consistently applying our policy guide.
  - b. Accountability and responsiveness.

When an employer has been identified as breaching the Act, our enforcement actions are guided by our policy. A strong framework of accountability and responsiveness underpins the policy.

- c. Consistent and fair.

We review our policies to ensure compliance outcomes are consistent with our changing operational environment. We aim to maintain an appropriate balance between administrative efficiency and the reduction of red tape for employers.

## Compliance and enforcement approach

11. WorkCover WA seeks to use an effective mix of positive motivators, compliance monitoring and deterrents to encourage and secure the highest possible levels of employer compliance.

12. There is a need to balance several considerations, including:

- a. community expectations related to monitoring and holding to account non-compliance
- b. the need to support industry and stakeholder bodies and build capability to achieve compliance
- c. positive motivators employed by WorkCover WA, including:
  - i. communicating with, engaging and supporting stakeholders
  - ii. providing practical and constructive advice, information, and education about rights, duties, and responsibilities
  - iii. fostering cooperative and consultative relationships with employers and their authorised representatives.

13. Compliance activities include data matching activities, audits and site visits, with the aim of identifying potential breaches of the Act. Once non-compliance is remedied, WorkCover WA will address any potential breaches by using compliance and enforcement actions outlined in this policy.

### *Compliance approach breakdown*

#### Education and Assistance

We educate and assist employers by providing guidance about an employer's legal obligations and promoting compliance. Our education and assistance programs are an integral part of communicating with new businesses and ATO first-time PASYG with-holders.

#### Caution notice

Most employers learn about their obligations and are diligent in protecting their workers and paying their insurance premiums.

We issue caution notices where an offence has been detected that is least serious and low risk.

### Infringement notice

Some employers fail to exercise due diligence and put their workers at risk, benefiting financially in the process.

We issue infringement notices where an offence has been detected and a penalty is necessary to adequately penalise the employer and promote future compliance.

### Prosecution

Prosecution is an enforcement response reserved for the most serious offences.

We commence prosecution where an offence has been detected which is more serious and higher risk, such as repeat offences or situations where an injury has occurred without insurance in place.

## Further information and advice

An overview of your broader rights and obligations as an employer, as well as how to obtain an insurance policy is available on our website.

For further information contact our Advice and Assistance Service on **1300 794 744**.