

## Reducing or Discontinuing Income Compensation – Medical Evidence

The *Workers Compensation and Injury Management Act 2023 (the WCIMA23)* sets out the process for reducing or discontinuing income compensation payments to a worker based on medical evidence about capacity for work.

### Key Points

Act ref: s. 64 Reg ref: reg 28

- Section 64 of the *WCIMA23* outlines the process for discontinuing or reducing income payments on the basis of a medical certificate (evidence) indicating a worker has total or partial capacity for work, or the incapacity is no longer a result of the injury.
- An employer who intends to reduce or discontinue income compensation payments on the basis of medical evidence must give the worker written notice in accordance with the *Workers Compensation and Injury Management Regulations 2024 (the WCIMR24)* and in the approved form.
- The approved form of the notice is published on the WorkCover WA website as CN3 *Intention to reduce or discontinue income compensation – medical evidence*.
- A copy of the medical evidence the employer is basing their decision on must also be given to the worker.
- After receiving the required documents, a worker may within 21 days make a dispute resolution application if they do not agree with the proposed reduction or discontinuing of income compensation payments by the employer.
- If a worker makes application within 21 days an employer cannot reduce or discontinue income compensation payments until the dispute is finalised.
- The *WCIMA23* provides that applying for the resolution of the dispute by conciliation is the first step in seeking an order by an arbitrator and also clarifies when the dispute resolution process has been finalised (e.g. the application is not accepted, or is discontinued or dismissed, or resolved by conciliation).

### Questions & Answers

**Q. Can the employer reduce or discontinue income compensation if the worker doesn't make an application for conciliation within 21 days?**

**A.** Yes. The employer can take the action in accordance with section 64.