

EMPLOYERS: PENALTIES APPLY FOR FAILING TO COMPLY WITH INJURY AT WORK OBLIGATIONS

► Preparing for an injury at work

You must be insured for compensation payable to a worker who is injured while in your employment. Penalty up to \$50,000 per worker.

You must have an [Injury Management System](#) in place and available to your workers. Penalty up to \$25,000.

Injured workers must know about their right to claim compensation for injury while in your employment and the steps to take to make a claim.

► When a claim is made for injury at work

You must give the claim to your insurer within 7 days. Penalty up to \$25,000

Give the claim to your insurer even if you -

- don't agree with what has been claimed or who is making the claim.
- perceive an error or omission on the claim form or certificate of capacity.

Giving the claim to a 3rd party, such as an insurance broker, is not considered giving the claim to your insurer.

► What if I am not insured?

You must notify WorkCover WA within 7 days. Penalty up to \$25,000.

You must also give the worker a decision notice. If you do not give the worker a decision notice within 14 days after you received the claim, you are taken to have accepted liability for the claim and compensation payments will be due to the worker.

Your insurer decides if a claim is accepted. Once your insurer receives the claim, they have 14 days to give you and the claimant worker a decision notice. READ THE NOTICE CAREFULLY.

► Notice - liability for the claim is not accepted.

If the claimant worker disputes the insurer's decision, the worker should first request internal review of the decision.

► Notice - liability for the claim has been accepted.

Read the notice carefully.

If liability for income compensation has been accepted, you must make the first payment, including back pay, within 14 days after receiving the notice. You must then continue to make payments on your usual payday.

Penalty up to \$25,000 per payment not made when due.

► Notice - the decision has been deferred.

Read the notice carefully and note the *provisional payments day*.

If you have not received a liability notice from the insurer before this day, provisional payments become due to the claimant worker.

The process for making provisional payments is the same as if the claim has been accepted (refer above), as are the penalties for failing to comply with the process.

Provisional payments become income compensation payments if liability for the claim is accepted.

Provisional payments stop if liability for the claim is not accepted, with the provisional payments period being the date of incapacity to the date liability was not accepted.

► I have not received a decision notice

If you and the worker have not received a decision notice within 14 days after the insurer received the claim, the insurer is taken to have accepted liability for the claim.

► When can I stop making compensation payments?

Income compensation payments cannot be stopped or reduced without first giving the worker 21 days' notice of the intention to stop or reduce the payments. Notice must be given in the prescribed form.