

Workers' Compensation Claim Information

Who can make a claim?

You are entitled to make a claim if you sustain an **injury in the course of your employment and are defined by law as a worker**. The legal definition of a **worker** includes full-time, part-time, casual, seasonal, piece and commission workers. Working directors, contractors and sub-contractors may also be defined as workers depending on their working arrangements.

How to claim:

- Seek **first aid** and **report** the injury to your employer.
- **See a doctor** of your choice as soon as possible and get a Certificate of Capacity. This is known as a *First Certificate of Capacity* in the workers' compensation system.
- Obtain a claim form from your employer. They may email you allowing you to complete the claim form online or give you a paper claim form.
- Complete the claim form on-line, attach the First Certificate of Capacity and give to your employer OR fill out the paper claim form and give it and your First Certificate of Capacity to your employer.
- Your employer must submit your claim form and give it together with the First Certificate of Capacity to RiskCover within **3 working days** of receiving the claim form.
- RiskCover has **17 days** to assess the claim and can:
 - Accept the claim: *Your workers' compensation entitlements commence.*
 - Dispute the claim: *No entitlements are paid - you can dispute this decision.*
 - Pend the claim: *No entitlements are paid - RiskCover needs more time to make a decision.*

What happens if you don't agree with RiskCover's decision?

RiskCover has an internal dispute resolution process. You can approach RiskCover to re-examine their decision.

In addition, WorkCover WA provides assistance regarding resolving disputes.

To find out more about having a dispute resolved or for general information about workers' compensation and injury management contact **WorkCover WA's Advisory Services on 1300 794 744**.

What happens when my claim is pended?

RiskCover can pend your claim if they need more time or more information to make a decision. They may contact you during this time for more information about your claim.

While your claim is being assessed, consider using any accrued leave (sick leave or annual leave) to provide you with interim financial support. If your claim is accepted, any leave you have used will be reinstated by your employer.

If a decision has not been made within **17 days** of you lodging your claim form and First Certificate of Capacity with your employer, you should contact Advisory Services on 1300 794 744 for more information.

What does workers' compensation cover?

Once your claim is accepted you become entitled to workers' compensation payments. These may include:

- **Wages** that should be paid on your normal pay day for any time that your doctor has certified you unfit for work.
- **Medical expenses** for hospital, medical and allied (e.g. physiotherapy) health treatment referred by your doctor and approved by RiskCover Your medical expenses are covered only up to a workers' compensation rate which is set by WorkCover WA. Be sure to check that your doctor charges this rate otherwise you may be left with a gap payment
- **Rehabilitation expenses** to cover the cost of engaging an **approved workplace rehabilitation provider** to help your return to work.
- **Travel and accommodation** expenses in certain situations.

Contact WorkCover WA for publications about your rights, responsibilities and entitlements.

Wages, medical and rehabilitation payments are limited and subject to maximum amounts. You can call our Advisory Services staff on 1300 794 744 or visit www.workcover.wa.gov.au/Workers for further information.

While your claim is being assessed, you can ask your employer to pay you sick leave or annual leave you have already accrued. If your claim is accepted, you will receive your workers' compensation entitlements and your employer will reinstate your leave. **Remember you must have a Certificate of Capacity to cover any time you are away from work.**

Know and understand your rights and responsibilities

You:

- Have the right to choose your own treating doctor and workplace rehabilitation provider.
- Have the right to claim lost wages from other jobs if you have another job/s your injury prevents you doing.
- Have the responsibility to attend certain medical appointments at the request of your employer.
- Have the responsibility to fully participate in your return to work program once developed.

Your employer:

- Has the right to **request a medical review** via RiskCover before or after a claim has been accepted.
- Has the **right to discuss your return to work** with the treating doctor.
- Has the responsibility to have an **injury management system in place** and implement a **return to work program** when a doctor declares you fit for work in any capacity.
- Has the responsibility to keep **your original position available** for 12 months following a claim.

Together:

- You have the responsibility to work with your treating doctor in developing an appropriate return to work program.

Disclosure of Personal Information (consent authority)

RiskCover needs to collect, use and disclose personal information to assess, investigate and otherwise deal with your claim. If you do not provide the information requested, this may affect RiskCover's ability to assess your claim. This may cause significant delays in the claims process.

By providing the consent authority on the Claim Form, you agree to RiskCover:

1. Collecting and using your personal information for the purpose of assessing, investigation and otherwise dealing with your current claim or any future claims.
2. Disclosing personal information (on a confidential basis) to and collecting personal information from:

- a. Your employer, RiskCover's entities, its investigators, auditors, medical service providers or any other party providing services to RiskCover or any agent of these.
- b. Other insurers, insurance intermediaries, government regulators or insurance reference bureau.
- c. Lawyers and law enforcement agencies.

Further information and assistance

WorkCover WA is the government agency responsible for overseeing the *Workers' Compensation and Injury Management Act 1981* (the Act) in Western Australia.

The role of WorkCover WA is to monitor compliance with the Act, inform and educate parties on all aspects of the workers' compensation and injury management system and provide an independent dispute resolution service.

If you would like further information about workers' compensation and injury management or information about seminars for injured workers contact:

WorkCover WA

2 Bedbrook Place
Shenton Park WA 6008

Advisory Services 1300 794 744

TTY (hearing impaired) (08) 9388 5537

www.workcover.wa.gov.au

An interpreter service is available by arrangement with WorkCover WA.

Injury Management

Injury management is about managing workers' injuries in a manner that is **directed at enabling injured workers to return to work.**

Your employer should have a **written description of an injury management system** in your workplace and this should be made available to you if you ask for it.

You should be involved with decisions regarding your return to work.

It is important for you to:

- Keep in touch with your employer, your doctor and other treatment providers.
- Submit Certificates of Capacity to your employer as soon as possible and on a regular basis to help keep your employer informed of your medical condition and level of fitness for work.

If your treating medical practitioner finds that you are partially fit to return to work in some capacity, a written return to work program will be established by your employer.

Workers should fully participate with their employer and medical practitioner in developing an appropriate return to work program. This will help develop a supportive environment that has the commitment of all parties to a successful return to work process. You have the responsibility to actively participate in your return to work program once developed.

Make sure you have a say in determining your future at work by being involved in discussions that affect you.

Publications for workers, employers and insurers are available from [WorkCover WA](#).