

WorkCover WA Bulletin for Approved Insurers, Self-Insurers and Insurance Brokers (03/2012)

SUBJECT: MANAGEMENT OF MINOR CLAIMS

Purpose

To provide information about employer obligations to claim in accordance with the *Workers' Compensation and Injury Management Act 1981 (the Act)* and policy of insurance, regardless of the size of the claim.

Context

It has been brought to WorkCover WA's attention that some employers have implemented, or been advised to adopt, a procedure whereby low cost workers' compensation claims are paid for by the employer and not processed in accordance with the requirements of the Act.

Such arrangements are contrary to the purposes of the Act and should not be entered into by employer nor sanctioned by insurers or brokers.

Policy Position

Regardless of the size of the claim, employers are required to claim under and in accordance with their policy of insurance within five days following receipt of the worker's claim for compensation and medical certificate (s57A). Self-insured employers are required to process a claim in accordance with s57B.

Non-compliance is an offence under the Act and any arrangement made contrary to the Act is prohibited (s301).

Neither the Act nor the policy of insurance, contemplates employers making decisions on liability and managing claims independently.

Although injured workers may choose not to lodge a workers' compensation claim, employers should not discourage workers from doing so. There are potentially significant legal and financial issues for workers, employers and insurers in the event a worker subsequently makes a claim on an employer for any injury that has been managed outside the provisions of the Act and the policy of insurance.

Approval



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Agency Contact: Manager Regulation

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