



Regulatory Policy – Employers

WorkCover WA regulates the workers' compensation scheme in Western Australia. Amongst other legal requirements, every employer must hold workers' compensation insurance, make claim payments to injured workers, and have an Injury Management System and a Return to Work Program in place.

Objective

To ensure employers within the workers' compensation and injury management scheme comply with their statutory obligations under the *Workers' Compensation and Injury Management Act 1981*.

Regulatory Principles

When liaising with employers we will apply the following principles:

Regulatory Principles	Application (we will):
Making fair, consistent and evidence based decisions	<ul style="list-style-type: none"> • Use a transparent process • Apply objective decision-making practices
Educating, informing and assisting stakeholders	<ul style="list-style-type: none"> • Ensure clear information is made available • Educate and inform • Provide advice and assistance
Taking appropriate regulatory action where participants fail to comply with legislative and other requirements	<ul style="list-style-type: none"> • Assess and respond to non-compliance commensurate with risk • Consider the public interest when taking action • Monitor compliance

Focus Areas

When regulating employers, WorkCover WA will typically focus on the following areas:

Focus Area

Employers must have workers' compensation insurance for all workers, including cover for claims at common law

WorkCover WA Action

We will inspect or otherwise contact businesses to confirm they have workers' compensation insurance in place

What to expect

- Employers can expect contact by WorkCover WA Officers requesting confirmation of trading and employing status and requiring an insurer issued certificate of currency as proof of insurance
- Not responding and/or not providing documents or information when required can lead to penalties
- An investigation will be undertaken where an employer does not hold insurance as required
- A caution or penalty will be issued where insurance is not, or has not, been held

When

Inspectors can attend workplaces or conduct enquiries at any time, generally during normal business hours

Focus Area

An employer's other main obligations are to:

- lodge workers' compensation claims with their insurer within 5 working days
- make weekly payments to injured workers on the due date
- keep a worker's position available during their period of incapacity
- establish an Injury Management System
- establish a Return to Work Program

WorkCover WA Action

We will investigate potential breaches of the Act

What to expect

- Inspectors will contact employers and may require production of documents including certificates of currency, wages and payment records, Injury Management Systems and Return to Work Programs
- Breaches are liable to a letter of caution, infringement notice or criminal prosecution. Failure to produce documents is also an offence

Further Information

- [Fact sheet: Workers' Compensation Essentials for Employers](#)
- [Fact sheet: Contractors and Workers' Compensation](#)
- [Worker's Compensation: A Guide for Employers](#)
- [Injury Management: A Guide for Employers](#)
- [Forms, Publications and Videos on the WorkCover WA website](#)
- [Legislation](#)

For additional information contact Advice & Assistance on 1300 794 744.