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# Workers' Compensation and Injury Management Amendment (COVID-19 Response) Act 2020

## Presumption of work injury for health care workers who contract COVID-19

### Fact Sheet 1

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**The Act and regulations have been amended to implement new presumptive workers' compensation laws that benefit health care workers who contract COVID-19**

**Effective 12 October 2020**

### Background

- Health care workers are at a heightened risk of contracting COVID-19 and provision for a rebuttable presumption of a work injury will ensure they are supported in the workers' compensation scheme should they contract the disease.

### Application of COVID-19 presumption

- A rebuttable presumption of work injury applies to health care workers who contract COVID-19 in the following circumstances:
  - The worker is diagnosed as having COVID-19 by a medical practitioner based on a prescribed test result (see below), or the worker dies as result of contracting COVID-19 before they are diagnosed based on a prescribed test result
  - The worker is in prescribed employment (see below) on the date on which the worker is taken to have suffered the injury (date of diagnosis or date of death)
  - The day on which the worker is taken to have suffered the injury is on or after **16 February 2020** (the first COVID-19 case in WA).

- If these conditions are met the prescribed employment is, for the purposes of the Act, taken to have been a contributing factor and to have contributed to a significant degree, to the prescribed disease COVID-19, unless the employer proves the contrary.
- Prescribed employment' means:
  - employment as a health professional - which is a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in a health profession;
  - employment, of any kind, in a hospital, medical practice, clinic or facility where persons attend for health-related screening, testing or treatment;
  - employment as an ambulance officer.

### **Diagnosis and prescribed test results for COVID-19**

- A worker is diagnosed as having COVID-19 by a medical practitioner based on one of the following test results:
  - (a) detection of SARS-CoV-2 using a SARS-CoV-2 specific nucleic acid test by a NATA accredited laboratory
  - (b) isolation of SARS-CoV-2 in a cell culture, with confirmation using a SARS-CoV-2 specific nucleic acid test, by a NATA accredited laboratory
  - (c) confirmation of SARS-CoV-2 specific antibodies by a NATA accredited laboratory.
- NATA means the National Association of Testing Authorities.