

Workers Compensation and Injury Management Bill 2021 (Consultation Draft)

Submission



Bill Clause	Comments
<p>General</p>	<p>As an employer, [REDACTED] supports the initiative to deliver a modern and clear Act which provides greater clarity to all stakeholders involved in the workers compensation and injury management process in Western Australia.</p> <p>With multiple changes to the existing Act there are certain aspects which impact employers differently. While we are supportive of the majority of changes, we have identified four areas which we believe will have substantive impact on increasing the costs and administrative burdens for insurers and employers.</p>
<p>537, 562</p>	<p>Income Compensation Calculation and Step Down</p> <ul style="list-style-type: none"> • WorkCover WA has estimated a 1.6% increase in claims costs once this amendment comes into effect; • We request that WorkCover WA please provide further analysis on this suggested change as there appears to be very little available analytical data on how the increase in the step-down period will impact the premium payable by employers; • It is our view that doubling the period before weekly compensation is stepped down will result in our business paying higher premiums due to increased total wage payments costs over a full premium cycle; • Also, the additional weeks of full compensation payments may reduce return to work rates as incentives to participate in return work programs will be reduced.
<p>26, 159 , 162 , 169</p>	<p>Certificates of capacity</p> <ul style="list-style-type: none"> • We have significant concerns with broadening the pool of specialities which may be able to provide a certificate of capacity to injured workers. We believe the task of assessing and issuing certificates of capacity should be left to treating medical practitioners and specialists only; • We consider that allowing access for physiotherapists, chiropractors or other allied health professionals to provide a certificate of capacity will likely to lead to medical disputes over certification, resulting in increased WorkCover applications; increased costs and the need for independent medical opinions; • An increase in medical disputes may have a negative impact on all parties and their relationship which may in turn adversely impact return to work outcomes. • The responsibility of determining capacity for work should remain as per the current legislation.

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170,171	<p>Worker's Treating Medical Practitioner & Medical Examinations</p> <ul style="list-style-type: none"> • As a proactive employer in managing the return to work progress with our injured employees, it is imperative [REDACTED] team is able to support through the initial stages of an injury. Removing our ability as an employer to attend medical examinations is likely to lead to increased miscommunication regarding the return to work process. This may result in higher duration rates, costs and administration tasks; • By prohibiting employers from attending the initial medical examination we foresee this will result in additional medical expenses being required as doctors' surgeries are likely to need to arrange a separate consultation following the medical examination to discuss return to work and treatment with all stakeholders; • Increasing the number of consultations may lead to medical practitioners refusing workers compensation matters as it will become too onerous and difficult to manage workers compensation claims; • We understand the intent of this amendment however believe the terminology of "prohibited" is too absolute. We suggest the wording be softened by removing the word "prohibit" and consider changing the amendment to include the worker providing written or verbal consent for their employer to attend the medical examination.
5, 49, 64, 165	<p>Reducing or Discontinuing Income Compensation – Return to Work</p> <ul style="list-style-type: none"> • We are concerned that WorkCover WA has not adequately considered the administrative burden and additional costs imposed on larger employers if required to provide weekly wage breakdowns on an apportionment of wages basis when this information is already provided on payslips; • Each upgrade of capacity would necessitate further administrative functions that provide certain duplication at each capacity change; • It is our view that providing a breakdown on a weekly basis would require significant administrative changes to employer's injury management systems and processes; • To enable compliance to this proposed change, employers are likely to need to recruit additional resources to issue notices at each change of capacity; • We believe that this could also delay a worker's entitlement as employers would be reliant on workers submitting their timesheets, worked hours and/or penalty hours in readiness for the notice of change. If the change in capacity changes, this information could change the very next day; • A Notice of Change could result in a worker misinterpreting this as being that their employer will not be paying them, which will have a negative impact on all parties and their relationships, consequently impacting on return to work outcomes.