

## Reducing or Discontinuing Income Compensation – Return to Work

The *Workers Compensation and Injury Management Act 2023 (the WCIMA23)* provides for reducing or discontinuing income compensation payments to a worker based on the worker having returned to work.

### Key Points

Act ref: ss. 5, 62 and 63 Reg ref: reg 27

- The *WCIMA23* defines ‘return to work’ (s. 5).
- In accordance with the *WCIMA23* income compensation cannot be reduced or discontinued on the basis of a worker’s return to work unless the employer or insurer has given the worker a notice in the approved form.
- The approved form of the notice is published on the WorkCover WA website as CN2 *Intention to reduce or discontinue income compensation - return to work*.
- The notice identifies:
  - the date of the proposed action (when payments will reduce or cease)
  - the position to which the worker has returned
  - the capacity level of the worker
  - the amount, if any, of income compensation to be paid
- The intention is to ensure workers are informed as to whether they are receiving wages only (return to work with full capacity) or a combination of wages and income compensation (return to work with some residual incapacity).

### Questions & Answers

**Q. If a worker does not agree with an employer reducing or discontinuing income compensation payments what can they do?**

**A.** A worker may dispute the reduction or discontinuance of income compensation in WorkCover WA’s Conciliation and Arbitration Services.

**Q. Are there any timeframes before payments can be reduced or discontinued when issuing the approved form notifying a worker who has returned to work?**

**A.** There are no specific timeframes, although income compensation cannot be reduced or discontinued before the date specified in the notice.