

# Employer Essentials - Injury Management Systems and the Claims Process

All employers in Western Australia are required to meet legal requirements in relation to receiving and managing claims under the *Workers Compensation and Injury Management Act 2023* (the Act), and in accordance with the *Workers Compensation and Injury Management Regulations 2024* (the Regulations).

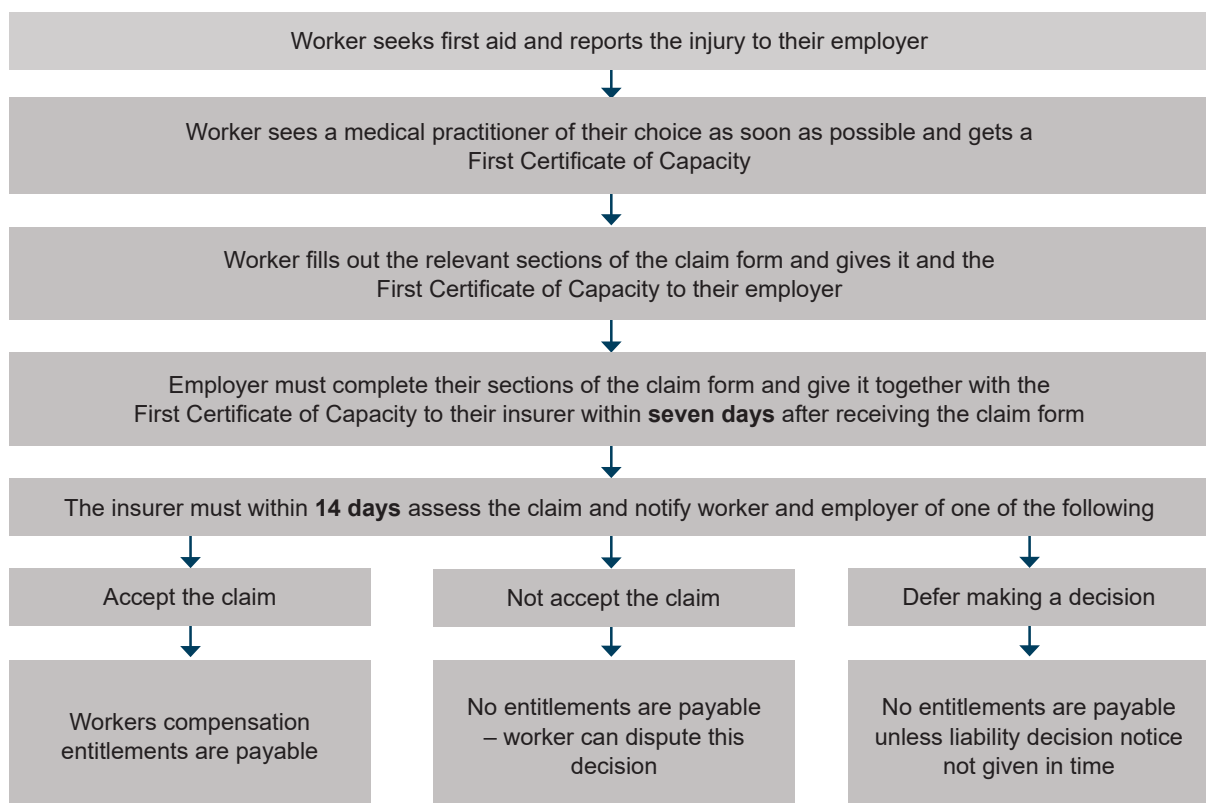
## What is an injury management system?

An injury management system is a process setting out the steps to be followed when there is an injury from employment.

You must ensure that an injury management system is established and implemented in accordance with the Regulations, and that it is described in a document that is available to your workers.

Injury management systems will vary depending on the size and nature of your business. You can find a template for an injury management system on the WorkCover WA website.

## The claims process



**An injury management system is mandatory. Penalties apply for failure to establish an appropriate injury management system or not making it readily available to your workers.**



## Receiving a claim

If a worker gives you their completed Claim Form and First Certificate of Capacity, you must give these documents to your insurer within seven (7) days of receipt.

If only one of these documents is received, you should inform the worker that both the Claim Form and First Certificate of Capacity need to be provided concurrently for their claim to be successfully made.

You must give the claim to your insurer even if you do not agree with the claim, do not believe you are the employer, or perceive an error in the Claim Form or Certificate of Capacity.

Giving the claim to a third party - such as an insurance broker - is not considered to be giving the claim to your insurer. A penalty of up to \$5,000 may apply for failure to submit a claim within the required timeframe.

Making arrangements to compensate an injured worker outside the workers compensation claim process is strictly prohibited.

**An injured worker has a right to lodge a workers compensation claim, regardless of who was at fault. Preventing a claim from being lodged is an offence under the Act.**

## What happens after a claim is submitted?

While a claim is being assessed, the worker is responsible for covering the costs of medical treatment until a decision is made. These costs will be reimbursed by the insurer if the claim is accepted.

Your insurer has 14 days from the day they receive the claim to send you and the worker written notice of the claim outcome in the approved form.

## Claim outcomes

### **Liability accepted → workers compensation entitlements commence**

If you receive a notice of liability accepted, you must commence making payments - including back pay - within 14 days after receiving the notice. You must then continue to make payments on your usual payday. Payments must occur regardless of whether your insurer has confirmed the applicable rate of pay. Engage with your insurer for advice about the correct and timely payment of income compensation.

For more information, see the *Calculating the Weekly Rate of Income Compensation Explanatory Guide*.

### **Liability not accepted → no compensation will be paid to the injured worker**

If you receive a notice of liability not accepted, you do not need to take any further action. Your insurer will advise you and the worker of the reasons for this decision. If the worker disagrees with the decision, they should first approach the insurer to reconsider the decision. If the dispute remains unresolved, the worker may lodge an application with WorkCover WA's Conciliation and Arbitration Service.

### **Deferred decision**

If you receive a deferred decision notice, this means the decision cannot be made within the 14 day period and further information and/or investigation is required to make a claim decision. The insurer then has up to 120 days to conduct its investigations and make a claim decision.

*Provisional payments* become payable if an insurer requires more than 28 days to make a decision. The deferred decision notice will state the date when provisional payments become due to the injured worker.

### **No notice**

If you do not receive notice of an outcome within 14 days of submitting the claim, the insurer is taken to have accepted liability for the claim. If you have not received notice of a claim decision or deferred decision notice after 14 days, make contact with your insurer for an update as you may be required to commence making compensation payments.



## Need further assistance?

 Call WorkCover WA's Advice and Assistance Service on **1300 794 744**.  
Interpreter services are available.

 Visit [workcover.wa.gov.au](http://workcover.wa.gov.au)

