

GIO has been helping people recover from work-related injuries for over 90 years



GIO is trusted by employers across **Western Australia** to help keep their workplaces safe and help injured workers get back to life.

The roles and responsibilities of key people involved in a claim are outlined in this document and we have developed a list of frequently asked questions and answers to help you navigate through the claims journey, **here in WA**.

Supporting our Employers

Key Stakeholders

Employer: Your co-operation is important for the successful management of the claim. To ensure we are able to best support you and your injured Worker's return to work, we ask that you;

- Provide us with updated Certificates of Capacity once received from the Worker
- Assist with finding suitable alternative duties where possible or alternatively support the involvement of a Work-place Rehabilitation Provider if required
- Keep us informed of any changes in the return to work or employment status of the injured Worker
- Co-operate with any investigations that GIO may need to undertake in order to determine liability or to proactively manage the claim

- Comply with any legislative obligations and/or requests from GIO

Insurer: At GIO it is our role to assess and manage Workers Compensation claims in accordance with the Workers Compensation and Injury Management Act 2023 and the Principals and Standards set out by Workcover WA. We are here to help you navigate through the process of managing the claim.

Claims Advisor: Your GIO Claims Advisor is your point of contact. Their role is to coordinate treatment and workplace rehabilitation to support you and your injured Worker in making a successful Return to Work. We will contact you regularly to check in however, if you have any questions throughout the life of the claim, please contact your GIO Claims Advisor.

Worker: It's essential that your injured Worker co-operates with GIO and appointed service providers to ensure successful management of their work-place injury. They must also comply with their legislative obligations, particularly in respect to actively engaging in workplace rehabilitation.

Workplace Rehabilitation Provider: You, as the Employer, GIO or the Worker's treating GP may appoint a Workplace Rehabilitation Provider to support you and the injured Worker's return to work. Workplace Rehabilitation Providers are approved by WorkCover WA and are health professionals who have expertise in addressing the physical, psychological and/or workplace barriers. Please note it's the Worker's choice as to which provider is appointed.

GP: The Worker's treating GP will regularly issue the WorkCover Medical Certificates and review their recovery and capacity for work. These regular reviews will ensure the medical certification accurately reflects the Worker's ability to perform their work duties and ensures that they are receiving the most appropriate treatment for their diagnosed condition. You, as the Employer, GIO, the GP and/or the Workplace Rehabilitation Provider may request to arrange a medical case conference to ensure the return-to-work plan is collaboratively discussed and all stakeholders are on the same page.

Other treating providers: This could include Surgeons, Specialists, Physiotherapists, Exercise Physiologists to name a few, and on occasion GIO will contact these providers to obtain updates on the Worker's recovery. Payment for reasonable medical treatment is covered under the Worker's entitlements.

Workcover WA: This is the governing body of Workers Compensation in WA. If you need to contact them, please contact Advice and Assistance Service on 1300 794 744.

Frequently Asked Questions

How is liability decided on a claim?

Once we receive your completed claim form and initial medical certificate, we will assess all of the available evidence and make a decision on liability.

We have the option to either Accept, Decline or Defer liability which must be done within 14 days of receiving the claim. The decision to defer liability is done when additional information is required in order to determine whether to Accept or Decline the claim.

Where this occurs, we kindly request your co-operation with any investigations that we may need to undertake so that a formal decision on liability can be made in a timely manner.

If liability is deferred for more than 28 days after the claim is received by GIO, then the worker becomes entitled to receive provisional payments which may include weekly income compensation payments and medical/health like expenses. If liability is later declined or the Worker is certified fit to return to their pre-injury duties and hours then the provisional income compensation payments cease.

If liability is still deferred after 120 days of the claim being received by GIO, then in accordance with the Workers Compensation Act, liability will be deemed to be accepted.

Your Claims Advisor will contact you regularly to let you know the progress of the claim, in particular where liability has been deferred.

How does GIO calculate the weekly income compensation (wage) rate?

There are two methods of calculating weekly income compensation rates, depending on whether the Worker is employed under an industrial award (including enterprise orders, collective agreements and enterprise bargaining agreements) or non-industrial award.

For both award and non-award Workers

For the first 26 weeks;

- The Worker will receive an average of their gross earnings (including overtime, bonuses and allowances) paid to them over 12 months before the day on which they were injured or for the period they were in the position they held at the time of the injury (whichever is lesser).

Please note:

- Any periods of approved leave without pay will be excluded from the calculation and
- If the Worker was employed with your business for less than a year before their date of injury, the earnings will be averaged over the lesser period and
- Weekly income compensation rates are subject to maximum and minimum amounts, which your Claims Advisor will advise of, should they apply to the claim.

Workers under an industrial award

From week 27 onwards;

- The Worker will receive 85 per cent of their average gross weekly earnings only if this amount is higher than the amount derived from the below calculation:
- The Worker will receive an average of their gross earnings paid over 12 months before the day on which they were injured and for the position they held at the time of the injury, based on the below:
- Earnings payable under their industrial award plus
- Any over award or service payments, overtime, bonuses and allowances paid on a regular basis.

Workers not under an industrial award

From week 27 onwards:

- The Worker's weekly payments will 'step down' to 85 per cent of their average gross weekly earnings.

Can the Employer cease the Worker's weekly income compensation payments when they return to work?

When the worker has made a return to work, the worker's weekly income compensation payments can't be reduced or ceased without first providing the worker with the required Workcover approved notice outlining the proposed variation to their weekly income compensation rate.

To avoid incurring additional payment for weekly income compensation to the worker, you must immediately advise GIO when the worker has returned to work performing their pre-injury duties and hours or if they are gradually increasing their hours whilst performing their pre-injury duties. This will ensure that the required notice is provided to the worker in a timely manner.

If you need more information with regards to this, please contact your Claims Advisor who will be able to assist you.

Who pays the Worker their weekly income compensation?

Where the claim has been accepted for time lost, you as the Employer will need to commence paying the Worker their weekly income compensation at the rate advised by GIO less any tax for the period outlined in the medical certification. The first payment must be made within 14 days of the claim being accepted. Any further payments are to be paid in line with the Worker's usual pay cycle.

Once GIO have authorised the commencement of weekly income compensation, these must not be varied or ceased without GIO's expressed authority.

Can the Worker access their leave entitlements whilst in receipt of weekly income compensation?

The Worker can take annual and/or long service leave in addition to receiving weekly income compensation payments for the same period. They can't however receive both sick leave and weekly income compensation payments. If the Worker used any of their sick leave entitlement and later became entitled to weekly income compensation payments, then you must reinstate the Worker's sick leave for that period.

Does the Worker's leave entitlements accrue whilst on Workers Compensation?

Whilst the Worker is in receipt of weekly income compensation payments, their entitlements for annual leave, long service leave and sick leave will continue to accrue as per normal.

How do we claim back income compensation paid to the Worker?

You need to complete the income compensation invoice and send this to wclaims@gio.com.au referencing the claim number in the subject line of your email. We kindly ask that this be done on a regular basis, at least monthly. If you don't have an income compensation invoice, please contact your Claims Advisor who will arrange for this to be forwarded to you.

Can we authorise or pay any expenses relating to the claim?

Your Workers Compensation policy with GIO precludes you from making an admission of liability and/or paying any expenses relating to the claim without our expressed authority.

Furthermore, it is illegal to make an agreement with the Worker which denies them access to their entitlements under the Workers Compensation Act. The financial penalty for this is \$15,000.

How do we forward any medical certificates and invoices to GIO?

All medical certificates and any invoices relating to the claim can be emailed to wclaims@gio.com.au referencing the claim number in the subject line. Please ensure you send through your company's EFT details so that any reimbursements can be processed. Your Claims Advisor can be contacted to request the form you need to complete to provide us with your EFT details.

Can the Employer attend the Worker's medical appointments?

The Workers Compensation Act prohibits the Employer, Insurer or their representative being present when a Worker is being examined by their treating medical practitioner.

If a Worker has an incapacity for work, a return-to-work case conference may be arranged by you the Employer, GIO and the Workplace Rehabilitation provider or the treating medical practitioner.

The Worker is required to attend and actively participate in these conferences however, there are restrictions on who can attend and what may be discussed. Furthermore, the Worker can only be compelled to attend such conferences once every 4 weeks.

Please contact your Claims Advisor or the Workplace Rehabilitation provider if you require more information.

Do we need to establish a Return to Work Program when the Worker returns to work?

Where the treating medical practitioner has provided written medical certification that the Worker can return to work, however in a capacity other than their pre-injury role and suitable alternate duties can be provided, then you as the Employer are required to implement a Return-to-Work program using the approved Workcover form, as soon as practicable.

The Return-to-Work program must as reasonably practicable, be established in consultation with the Worker and a copy of the program must be provided to the Worker, treating medical practitioner and GIO in a timely manner.

If you need any support with implementing this program, please contact your Claims Advisor who can assist you or alternatively appoint a Workplace Rehabilitation provider to co-ordinate a Return-to-Work program.

Do we need to have an Injury Management system in place?

As the Employer, you are required to have in place an injury management system that includes the following:

- a) A description of a Worker's right to claim compensation if they suffer an injury from their employment;
- b) A description of an Employer's obligation to comply with the claim and injury management process set out in the Act when a claim is made;
- c) A description of the steps the employer will take if an injury from their employment occurs;
- d) Information about the person who has the day to day responsibility for the injury management system and their contact details.

Failure to put in place an injury management system that includes the above can attract a fine of \$5,000

How does GIO decide what will and won't be funded under the claim?

GIO uses best practice clinical guidelines as well as treating and independent medical practitioner reports to determine what treatment is appropriate, reasonable, and necessary. To achieve the best possible health and return to work outcomes, GIO will seek updates from healthcare providers and work collaboratively to ensure the care the Worker receives is aligned with The Clinical Framework for the Delivery of Health Services.

Can the Worker's employment be terminated whilst they are off work?

You as the Employer are required to keep the Worker's pre-injury position or suitable alternate position available for 12 months post their first incapacity for work. If you are unable to do so, then using the prescribed notice you must inform the Worker 28 days prior to the dismissal takes effect.

Where at the time of the Worker's employment being terminated the Worker is receiving weekly income compensation payments based on their incapacity for work, then you as the Employer will need to continue to pay the Worker in accordance with the Workers Compensation Act.

Failure to comply with any of the above may result in a fine of \$10,000.

Please contact your Claims Advisor should you be considering dismissing the Worker whilst they are in receipt of weekly income compensation payments.

What happens if my business goes into liquidation or shuts down?

This is the only occasion when GIO will take over payment of weekly income compensation directly to the Worker. If this occurs, please contact your GIO Claims Advisor immediately to discuss the next steps.

What are Notifiable injuries?

As per the Work Health & Safety Act 2020 you as the Employer have an obligation to inform WorkSafe WA of work-place incidents that result in:

- The death of a person
- A serious injury or illness or
- A dangerous incident

Please refer to WorkSafe's Incident notification guideline for further information.