

# Your Guide to NSW Workers' Compensation

Information for employers



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This publication contains guidelines for managing workers' compensation claims.

It is designed to provide general information only and is not intended as a substitute for any legislation or resource to which it refers. You should not act or omit to act on the basis of anything contained herein. In relation to any particular matter you should seek legal advice where appropriate.

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# Your Guide to Workers' Compensation

As the largest workers' compensation provider in Australia, CGU gives you access to industry benchmarking information and a range of specialists who can assist you with complex issues.

Throughout the claim process we make sure you understand your rights and obligations and that you are involved every step of the way. We aim for a positive result for both you and your injured employee.

This guide explains the basics of the NSW Workers Compensation scheme; what to do if one of your employees sustains a work related injury or disease and the basic process of making a workers' compensation claim with CGU in NSW.

## The Basics

### Who needs workers compensation insurance?

All employers in NSW (except exempt employers) must have a Workers Compensation insurance policy. You are deemed an employer if you employ or hire workers on a regular, casual or contract basis.

You are exempt from taking out Workers Compensation insurance if your annual wages bill is less than \$7500.

### Workers and deemed workers

Your workers and deemed workers are covered by your workers compensation insurance. A worker is someone who receives wages or commission from you, regardless of the number of hours worked each week. This includes those who work away from your premises, your trainees and your apprentices.

People working as contractors may be considered deemed workers and are also covered by your workers compensation insurance policy.

If you are unsure whether you have workers or deemed workers, see the checklist and self assessment tool on the WorkCover website at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

### Sole traders and partnerships

Require workers compensation insurance if they employ workers or deemed workers but the sole traders and partners themselves are not covered by this insurance.

# Your Premium

CGU calculates your premium in accordance with the formula and rules set out in the legislation.

The main factors which influence the way we calculate your premium are:

## WorkCover Industry Classification (WIC)

Each industry in NSW is classified according to the WIC system. A WIC rate is determined by assessing the predominant business activity of an employer.

Some employers may be allocated to more than one industry class if they undertake two or more separate and distinct businesses. In most instances, support activities such as clerical, administrative, sales and marketing, head office and warehousing activities are considered to be incidental to the main business activity and are not allocated to a separate industry class.

## Wages

On taking out a workers compensation insurance policy, you are required to provide us with an estimate of the gross wages you expect to pay over the next 12 months.

For the purposes of premium calculation, wages include, but are not limited to:

- salary
- overtime, shift work and over-award payments
- bonuses and commissions
- employer superannuation contributions (including the superannuation guarantee levy)
- grossed-up value of fringe benefits (i.e. value of the fringe benefit multiplied by the ATO fringe benefit formula)
- payments to working directors (including directors' fees)
- payments for public and annual holidays (including leave loadings)
- payments for sick leave and long service leave
- payments for terminations
- value of board and lodging provided by the employer for the worker
- payments made by trusts or companies in lieu of wages
- any other amounts awarded to the worker under a contract of service.

Wages do not include directors' fees paid to non-working directors or compensation benefits paid to injured workers under the Workers Compensation Act 1987.

## Claims experience

For some employers, additional premium is payable over and above the basic tariff premium to take into account the frequency/severity of workers compensation claims and the cost of these claims. Claims costs used in the premium calculation reflect the total cost of each claim. This includes any amount paid on a claims plus any amount we have placed in reserve for future costs. This is limited to \$150,000 per claim.

The following claims are excluded from Claims Experience for the purpose of premium calculation.

### Recess claims

Claims costs related to injuries sustained during an authorised break away from the workplace are not included in the experience premium calculation.

### Small employers

That is, you pay a basic tariff premium of \$10,000 or less, or annual wages equal to or less than \$300,000, the cost of claims will not impact your premium.

### Medium employers

That is, you pay a basic tariff premium of between \$10,000 and \$500,000, with an annual wage bill of more than \$300,000, the cost of claims will have an impact but the impact is limited depending on your basic tariff premium. See below for where you can obtain more specific information.

### Large Employers

That is, you pay a basic tariff premium of over \$500,000. Your claims experience will impact on your premium calculation.

WorkCover NSW has introduced an optional alternative premium model for large employers based on commercial arrangements for retro-paid loss schemes.

A retro-paid loss model of insurance is one in which an employer's premium more closely reflects their individual experience and success in injury and claims management over a period of several years. If you are interested in obtaining further information about this scheme, please contact your CGU Account Manager.

## Other

Dust disease and GST are also included in your premium calculation. The mine safety levy is also included for certain industry types.

## Further information

For further information about your premium, contact CGU Workers Compensation on 1300 666 506 or go to [www.cgu.com.au/workerscompensation](http://www.cgu.com.au/workerscompensation)

Alternatively, you can contact WorkCover NSW on 13 10 50 or at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or speak to your insurance broker.

Your CGU Case Manager can provide you with specific information about the estimated cost of your claims.

# Your Obligations as an Employer

An employer must comply with all aspects of the Workers Compensation Act 1987 and Workplace Injury Management and Workers Compensation Act 1998. This includes:

- complying with CGU's Injury Management Program
- developing and maintaining a Return to Work Program.
- requirement to provide suitable work

## CGU's Injury Management Program

This document provides the information and tools you need to meet your legislative obligations in completing your Return to Work Program, and when workplace injury occurs, and our obligations as your Workers Compensation provider.

This includes:

- the approach we will take should a workplace injury occur
- what you can do to support early RTW outcomes and thus reduce the direct and indirect costs of workplace injury
- the process for submitting feedback and managing any disputes that may arise
- a copy of CGU's Injury Management Program is available to our policy holders on request or from our website at [www.cgu.com.au/workerscompensation](http://www.cgu.com.au/workerscompensation)

## Your Return to Work Program

This document details the policies and procedures your business has in place to help workers with their recovery and return to the workplace. You are required to have a Return to Work program in place within 12 months of becoming an employer. It must then be updated every two years.

Your program must be consistent with the *CGU Injury Management Program* and developed in consultation with your employees and any relevant union representatives. CGU can guide you through this process and also provide a template for you to use. This template is available as an appendix within our Injury Management Program and is available for download from [www.cgu.com.au/workerscompensation](http://www.cgu.com.au/workerscompensation). You can also access *WorkCover Publication 4 – Standard Return to Work Program and Guidelines for Workplace Return to Work Programs* from [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) to assist you in developing your program.

## Must Provide Suitable Work

If a worker is able to return to work (whether on a full time or part-time basis and whether or not to his or her previous employment), the employer must at the request of the worker provide suitable employment for the worker. The obligation does not apply if:

- a) it is not reasonably practicable to provide employment, or
- b) the worker voluntarily left the employment after the injury occurred, or
- c) the employer terminated the workers employment after the injury happened, other than for the reason that the worker was not fit for employment as a result of the injury.

## Occupational Health and Safety

As an employer you are responsible for ensuring the health, safety and welfare at work of all employees. You must provide:

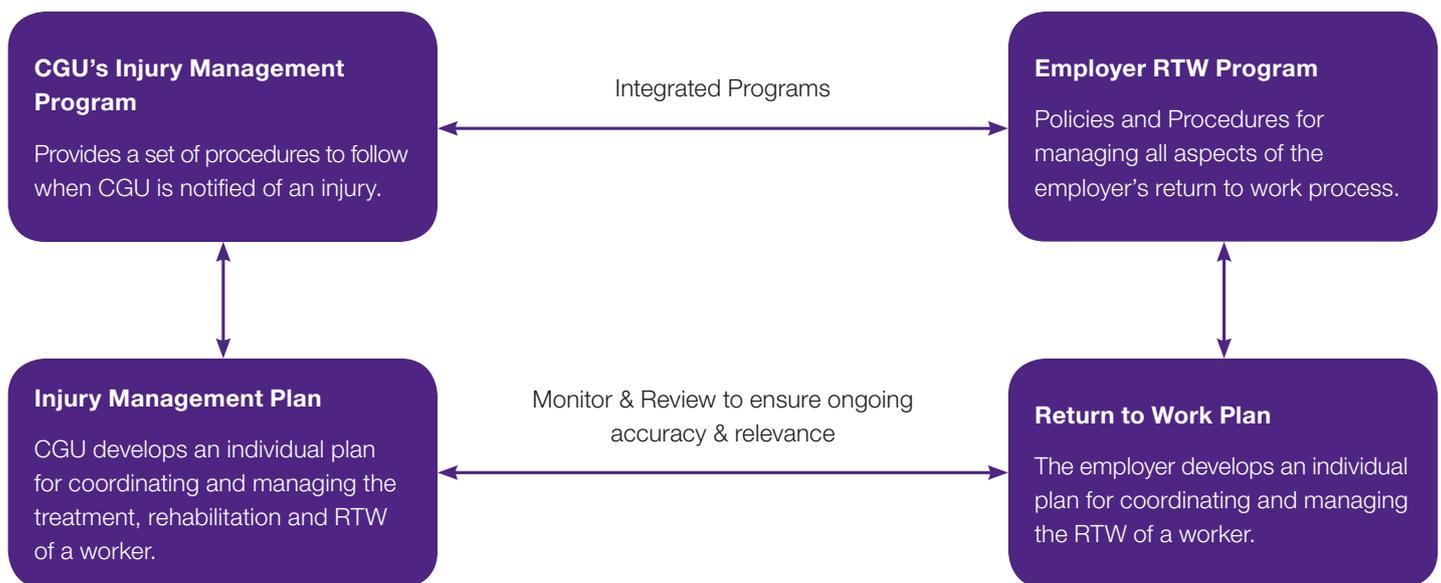
- safe premises
- safe machinery and substances
- safe systems of work
- information, instruction, training and supervision for workers
- suitable working environment and facilities.

You are also responsible for the health and safety of others in your workplace, such as visitors and customers.

For further information, refer to the WorkCover Website at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or call the WorkCover Assistance Service on 131050.

## If an injury occurs

In the event of an injury, the principles outlined in CGU's Injury Management Program are used to generate an individual, tailored Injury Management Plan (IMP) for the worker and your organisation's RTW Program is used to develop a specific RTW Plan for the worker.



## What To Do If a Workplace Injury Occurs

### As soon as you become aware of an injury

- Ensure the worker receives first aid treatment if necessary and appropriate emergency medical treatment.
- Involve immediate action to assess and control the risk of further injuries.
- Document the incident in your register of injuries.
- Notify CGU within 48 hours of becoming aware of an injury in your workplace.

## Serious injuries and illness

If there is a serious injury or illness you must notify WorkCover NSW immediately on 13 10 50. These include:

- an injury or illness that requires immediate treatment as an 'inpatient' in hospital
- amputation
- serious head, eye or burn injuries
- de-gloving or scalping
- spinal injury
- loss of bodily function
- serious laceration
- exposure to a substance which requires medical treatment within 48 hours.
- fatality

## Notify CGU of the injury

Early notification of claims to CGU is the first important step in the effective management of workers compensation claims. It can reduce the cost of claims to your business by enabling early intervention and reducing the amount of time lost from work.

You have a legislative obligation (Workplace Injury Management and Workers Compensation Act (s44)) to notify CGU or the WorkCover Authority within 48 hours of becoming aware a worker has sustained an injury. Notification within five (5) days of the injury has a financial benefit and allows CGU to waive your excess.

Your excess is the first week's worth of wages for each and every claim if not notified within five (5) days.

## How to notify us

Initial notification of a workplace injury may be given by the worker, employer, or by some other person (for example, a medical practitioner) acting for, or on behalf of, the worker or employer.

The easiest and quickest way of CGU staff are trained to ensure the person notifying CGU is guided through the process and able to provide all required information for the notification to be handled promptly and professionally.

The easiest and quickest way to notify CGU is online at CGU's website .Live. When your online notification is complete you will receive confirmation and a reference number. It is important that you provide details of the injury and workers details in your notification.

When notifying a claim to CGU, ensure you have access to as many of the following details as possible:

- your policy number and workplace information
- the name and contact details for the nominated employer contact
- the worker's name and contact details
- accurate information about the worker's average weekly earnings and award rate of pay or other industrial or enterprise bargaining agreement
- a description of the injury and how it occurred
- details of the worker's fitness for work and any treatment
- contact details for the general practitioner and/or hospital
- the WorkCover NSW Certificate of Capacity
- details of any proposed return to work plan
- any other information or documents relating to the injury

Injury notification can be made by:

<b>.Live</b>	<b><a href="http://www.cgu.com.au/workerscompensation.live">www.cgu.com.au/workerscompensation.live</a></b>
<b>Email</b>	earlynotification.nsw@cgu.com.au
<b>Telephone</b>	24-hour toll free telephone number 1300 666 506
<b>Fax</b>	Dedicated fax line 1300 666 406
<b>Mail</b>	CGU Workers Compensation GPO Box 9960 Sydney 2001

## What a worker must do

Once injured, a worker must provide you with the following information either verbally or in writing as soon as possible:

- details of where the injury occurred
- cause of the injury
- date it happened.

Even if the worker fails to notify you, they remain able to lodge a claim. A worker (or representative) may also contact us directly to notify an injury if the employer has not done so and can also submit a claim form. Regardless, all injuries must be notified to CGU.

### Record the injury in your register of injuries

A Register of Injuries must be kept on your premises and be easily accessed by all workers. All workplace injuries and incidents (including near misses) that occur (including on a journey to and from the workplace) must be recorded in this register. This is a legislative requirement.

An entry represents a formal notification of a workplace injury by the worker. It should include:

- worker's name, address, age and occupation
- worker's type of industry and type of work undertaken at the time of injury
- date and time of injury
- type of injury and cause
- comments

If you do not have a Register of Injuries, contact your CGU Case Manager or our general information line 1300 666 506.

### Gradual onset injuries

The cause of some injuries and illnesses are difficult to identify (such as psychological disorders), while others can happen over time (such as back injuries). If you believe these types of injuries may be occurring at your workplace, contact your CGU Case Manager.

## What Happens Next?

### We allocate you with a notification or claim number

This number must be included in all correspondence relating to the worker. Have this number handy every time you contact us regarding this matter.

### We assign a Case Manager

Your CGU Case Manager is your main contact throughout your worker's recovery process. The claim will be appointed to an appropriate Case Manager based on your location and the type of injury or illness sustained. CGU has offices in Sydney CBD, Parramatta, Newcastle, Wollongong and Tamworth.

Your CGU Case Manager will contact you and the worker three (3) business days of injury notification. Your Case Manager will also contact the worker's nominated treating doctor (NTD)

within three (3) business days if the injury is significant (requiring more than seven days off work or away from their pre-injury duties).

Early communication is an opportunity to discuss the claim and set appropriate strategies and expectations designed to:

- manage the injury with appropriate treatment
- ensure that all parties are engaged in the return to work process
- enable a quick and active recovery wherever possible

## Assessing Liability

CGU will make a decision on liability within seven (7) calendar days of injury notification. This decision will be made in consultation with you based on the information obtained through our initial contact. If the claim is accepted we will also work with you to determine the employee's entitlement to weekly payments, along with medical and other expenses.

Within the NSW WorkCover scheme, there are four possible decisions that CGU could make when determining liability.

### 1. Provisional Liability

CGU determines Provisional Liability within seven (7) days from receipt of an injury notification. Provisional Liability is **not** a formal admission of liability, but allows us to commence weekly payments up to a period of twelve weeks. It also allows us to pay medical, treatment and other expenses up to an amount of \$7,500.

### 2. Liability Accepted

Your CGU Case Manager may accept full (ongoing) liability upon receipt of an injury notification if appropriate. Time frames for a full liability decision depends if Provisional Liability has been accepted. Full liability will be determined when Provisional Liability has been exhausted, or within twenty one (21) days from receipt of a claim form supported by a WorkCover NSW Certificate of Capacity.

### 3. Reasonable Excuse

A Reasonable Excuse notice may be issued where there is strong evidence that does not support payment of Workers Compensation, or where CGU have exhausted all reasonable efforts to obtain important information on which to make a soundly based decision. This decision is made in accordance with clause 7 of the *WorkCover Guidelines For Claiming Compensation Benefits*.

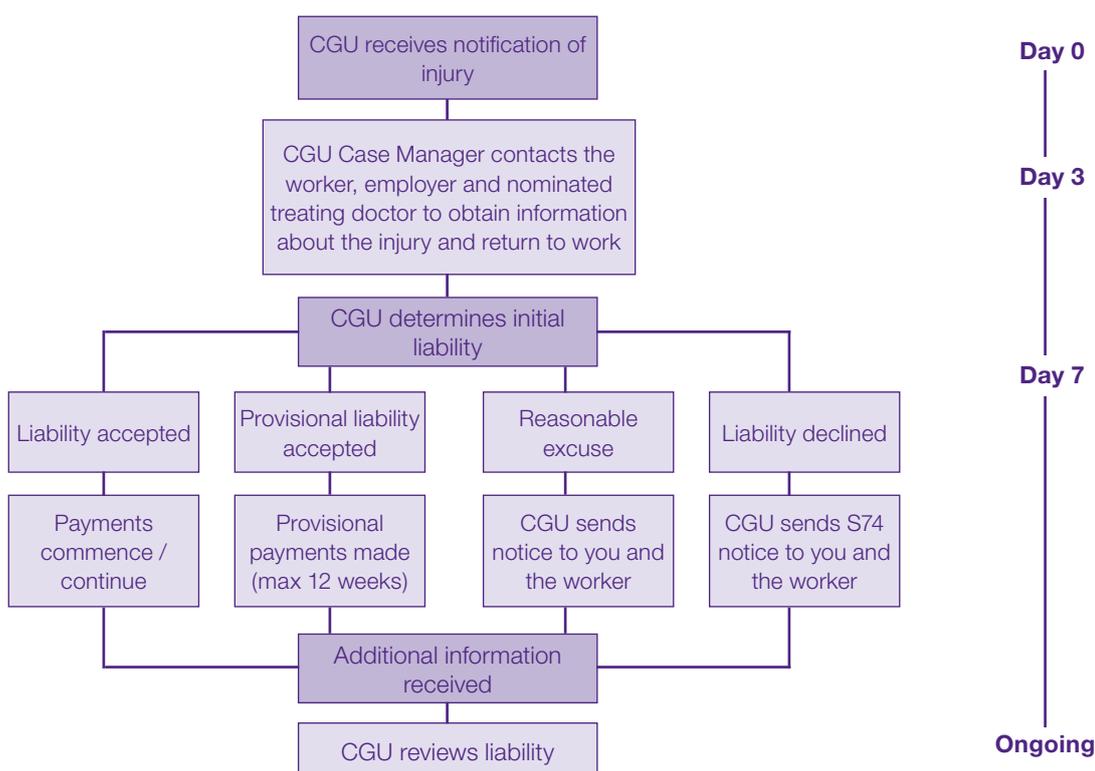
Notice will be issued within seven days of receipt of an injury notification. This will outline why a Reasonable Excuse notice has been issued and what the worker can do to resolve the issue. If the worker does remedy the issues outlined in the notice, CGU will again need to assess liability and may be required to accept or provisionally accept liability for the claim.

### 4. Liability Disputed

Where CGU has strong evidence to suggest that liability should not be supported, a written dispute notice will be issued. The worker has the option of requesting a review of our decision.

Your CGU Case Manager will continue to review ongoing liability throughout the life of the claim.

#### Initial liability timeline



## Claim forms

Claim forms will be requested by your CGU Case Manager if required in the following circumstances:

- a reasonable excuse has been issued and continues to exist
- there is insufficient information to determine ongoing liability
- the injury was sustained in the course of a journey to or from work (a Journey Claim Form applies in these cases).

Contact your Case Manager for copies or download the forms from our website at

[www.cgu.com.au/workerscompensation](http://www.cgu.com.au/workerscompensation)

The RTW Plan must be based on the current certificate of capacity and any restrictions outlined by the Nominated Treating Doctor.

CGU has developed an *Employer's Guide to Developing a Return to Work (RTW) Plan* to assist you with this process. This can be found on our website at

[www.cgu.com.au/workerscompensation](http://www.cgu.com.au/workerscompensation)

If you require assistance in developing a RTW Plan, speak to your CGU Case Manager. They will be able to assist you by providing further information or by referring you to one of our specialised Network Service Providers.

# Responsibilities of the People Involved

## CGU Case Manager

The CGU Case Manager is responsible for the overall management of the case from start to finish. They are supported by technical and health professional staff within our organisation with specialist knowledge about the management of claims and injuries.

The Case Manager develops an Injury Management Plan (IMP) if your employee is likely to be, or is away from, his/her normal job for seven (7) days or more. We develop the IMP in consultation with you, the worker, the NTD and treating professionals within 20 days of being notified of a significant injury. It details:

- responsibilities of all parties
- plan objectives
- penalties or actions should any party fail to comply.

## You, the employer

It is your responsibility to assist the worker to return to work in a safe, timely and durable manner. This means providing suitable employment or duties if reasonably practicable.

You must develop a RTW Program for your organisation. In the event of injury you must assist us in developing an Injury Management Plan and you will need to develop a RTW Plan if the worker returns to work in a restricted capacity.

## Return to Work (RTW) Coordinator

If you employ 20 or more workers, you must appoint a RTW Coordinator, responsible for identifying suitable employment or duties and assisting workers to return to work. This role may be shared among your employees or outsourced.

CGU provides WorkCover approved Introductory RTW Coordinator training and an Advanced RTW Coordination course. Please refer to the course guide on the CGU website at

[www.cgu.com.au/workerscompensation](http://www.cgu.com.au/workerscompensation)

# Helping Your Worker to Return to Work

As an employer, facilitating an early return to work is one of the most important factors in minimising the direct and indirect costs associated with workplace injury. An early return to work is also proven to help achieve the best health outcomes for workers. It is also important for you to keep in contact with the worker whilst they are absent from the workplace.

## Suitable duties and suitable employment

Suitable duties in the workplace may be identified that are able to accommodate the workers restrictions due to their injury and to facilitate their return to work. These duties may be created by the employer to assist the worker in their efforts to rehabilitate and return to work.

Suitable duties must comply with a worker's current WorkCover NSW Certificate of Capacity and may include:

- parts of the job the worker was undertaking before the injury
- the same job though on reduced hours
- different duties altogether
- duties at a different site
- training opportunities
- combination of some or all of the above

Suitable duties are not a return to work outcome, but rather, a rehabilitation strategy used to achieve a return to work outcome.

If a worker is incapable of returning to pre injury duties in the long term, your Case Manager will assist you in the identification of suitable employment options.

## Developing a return to work plan

A Return to Work (RTW) Plan must be developed for all workers who have a work capacity and have returned to work. It is the obligation of the employer to ensure this plan is developed. However, even while the worker is certified unfit, it is recommended that planning for suitable employment commences in readiness for the worker's return.

## Worker

The worker is expected to take an active role in their recovery and make every effort to return to suitable employment. They are expected to participate in the development of the Return to Work Plan and Injury Management Plan. The worker has a responsibility to accept a reasonable offer of suitable employment or duties as outlined in his/her IMP. Failure to do so may compromise the worker's entitlements to weekly payments.

## Nominated Treating Doctor (NTD)

The worker is required to nominate a doctor who is prepared to participate in the injury management and return-to-work process. The NTD provides WorkCover NSW Certificates of Capacity which will specify the worker's capacity for work and any restrictions. A WorkCover NSW Certificate of Capacity must be provided to cover any period that your worker is unable to perform his/her normal job.

You can contact the doctor to ask about these restrictions and discuss suitable employment or duties. CGU will communicate with the NTD when developing an Injury Management Plan.

## Other health professionals

Other service providers such as medical specialists, physiotherapists or psychologists may be involved in providing treatment to the worker. Your CGU Case Manager will coordinate all parties in assisting the worker to return to work.

## CGU's Network Service Providers

Our Provider Network has been developed to create and sustain strong partnerships with us and our customers.

## Rehabilitation providers

Rehabilitation providers are accredited by WorkCover to assist employers and workers in the return-to-work process. Workplace Rehabilitation Providers employ staff with appropriate qualifications and experience or provide specialised services based on the particular circumstances of the claim.

CGU has developed a range of service streams with our Network Rehabilitation Providers to meet the specific needs of the employer and worker involved. If you would like further information about these services, speak to your CGU Case Manager.

## Medical assessment services

From time to time, it may be necessary to refer a worker for an independent medical assessment. CGU works with a network of medical assessment organisations to ensure high-quality service provision.

## Injury Management Consultant (IMC)

An IMC is a registered medical practitioner who assists with return to work issues when there is a difference of opinion between the NTD, employer, worker and/or CGU. IMCs are appointed by WorkCover. The IMC will provide an opinion regarding return to work and will also communicate with the NTD and other relevant parties to reach an agreement wherever possible.

## Independent Medical Examiner (IME)

An independent medical examination is an impartial assessment based on the best-available evidence, undertaken by an appropriately qualified and experienced medical practitioner (who is not in a treating relationship with the worker) for the purpose of providing information to assist with workers compensation injury and claims management.

## Legal advice

In the event of complex liability issues or a medical dispute, CGU may engage the services of our network of legal providers to assist us in making appropriate decisions. These providers are specialists in Workers Compensation Law and have extensive experience working in the NSW Workers Compensation scheme. However, they will not be able to provide advice directly to you regarding your employment practises or industrial relations.

## What if Your Worker is Unable to Return to the Same Job?

We try and identify these cases as soon as possible but sometimes it is unclear if a worker will have permanent restrictions until the injury has stabilised.

If this situation occurs, there are several options:

- maintain the worker in his/her normal job with some modifications to accommodate medical restrictions
- transfer the worker to a different job within your organisation.
- transfer the worker to a different job with a different employer.

## The decision to terminate a worker's employment

If a worker has ongoing restrictions which cannot be accommodated within your organisation, you may need to consider terminating your worker's employment.

This can be difficult and can involve:

- replacement costs and delays
- a possible insurance premium impact
- Industrial Relations repercussions
- direct and indirect costs from losing a skilled and experienced worker.

We can provide information regarding the potential impact on your insurance premium but the decision to terminate a worker's employment is yours.

Once you terminate a worker, we will continue to keep you informed about the case if you wish via updated IMPs. We ensure the worker receives assistance to obtain alternative suitable employment as quickly as possible. WorkCover offer a variety of vocational rehabilitation programs to assist workers to return to work in a new job.

The worker has an obligation to actively participate in obtaining new employment. CGU will advise the worker of their obligations in writing.

## Workers compensation and industrial relations

There are times when these issues overlap.

For further information the following organisations may be of assistance:

- NSW Industrial Relations Commission  
<http://www.industrialrelations.nsw.gov.au/Home.html>
- Small Business NSW: The NSW Government information website for people starting, running or growing a small business [www.smallbiz.nsw.gov.au](http://www.smallbiz.nsw.gov.au)
- Fair Work Australia: the national workplace relations tribunal.  
[www.fwa.gov.au](http://www.fwa.gov.au)
- NSW WorkCover Authority (Workers Compensation and Occupational Health and Safety issues)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) WorkCover Assistance Service 131050
- your employer association (e.g. Australian Industry Group, Australian Business Limited, Employers First)
- your legal adviser

## Types of Benefits

The worker's entitlements depend on the type, nature and severity of the injury and include:

### Wage replacement

Wage replacement benefits (known as weekly payments) should be paid to the worker in the normal pay run wherever possible. As long as the worker is in your employment, CGU will pay this benefit directly to you in most circumstances. It is your responsibility to pass the payment on to the worker with the appropriate tax deducted.

If you anticipate any difficulties in meeting the requirement to continue paying your worker whilst he/she recovers, contact your Case Manager.

Your CGU Case Manager will advise you of the weekly payment amount based on the current work capacity certification, pre-injury average weekly earnings and the availability of suitable employment or duties.

## When the worker is certified as having no work capacity

Where the worker has no capacity for work, you should pay the worker in accordance with their pre injury average weekly earnings (PIAWE) which is the sum of:

- a) the average of the workers ordinary earnings during the relevant period expressed as a weekly sum, and
- b) any overtime and shift allowance payment that is permitted to be included (but only for the purposes of the calculation of weekly payments payable in the first 52 weeks following lodgement of a claim)

Your CGU Case Manager will be able to assist and calculate the pre injury average weekly earnings based on all the information supplied in the claim form. This PIAWE figure will constitute the weekly payments to which a worker would be entitled to. Where a worker has no capacity to work for the first 13 weeks they would effectively be entitled to 95% of their PIAWE. If the worker continues to have no work capacity beyond 13 weeks, their entitlement drops to 80% of PIAWE.

## When the worker has a work capacity

If the worker returns to work in suitable employment or on suitable duties and is earning less than before the injury (e.g. working fewer hours or at a lower pay rate), the injured worker is paid make-up pay.

Make-up pay is calculated as the difference between 95% of the worker's pre-injury average weekly earnings (including overtime, shift allowances, etc, calculated over a 12-month period) and their actual weekly earnings (i.e. the value of the duties worked).

If the worker has not returned to pre injury duties after 13 weeks they would be entitled to 95% of their PIAWE if they have returned to work for 15 hours or more per week. If they have returned to work for less than 15 hours per week their entitlement is 80% of PIAWE.

## Maximum weekly payments

All weekly payments made to workers are capped at a maximum rate. This rate is gazetted by WorkCover and is indexed every six months.

## Medical and related payments

CGU will pay for 'reasonably necessary' treatment and services related to the workplace injury. Our decision is guided by the following considerations:

- Appropriateness: will the service reduce the effects of the injury?
- Alternatives: have other types of treatment been considered?
- Cost: is the service cost effective?
- Effectiveness: can the service reduce the consequences of the injury?
- Acceptance: is the treatment generally accepted by the medical profession (or other appropriate professional group)?

Entitlements to medical and related expenses will cease 12 months following the date the workers entitlements to weekly payments have ended.

## Weekly Payments Quick Reference Guide

First entitlement period (Section 36)	Total — No current work capacity	Partial — Current work capacity i.e. not able to return to pre-injury work but able to return to work in suitable employment	
<b>Weeks 1 to 13 Section 36</b>	$(PIAWE \times 95\%) - D$ , or $MAX - D$ whichever is the lesser	$(PIAWE \times 95\%) - (E + D)$ , or $MAX - (E + D)$ whichever is the lesser	
In weeks 1 to 52 PIAWE equals pre-injury ordinary earnings including overtime and shift allowances			
Second entitlement period (Section 37)	Total — No current work capacity	Partial — Current work capacity and has returned to work for 15 or more hours pw	Partial — Current work capacity and has returned to work for less than 15 hours pw or has not returned to work
<b>Weeks 14 to 52 Section 37</b>	$(PIAWE \times 80\%) - D$ , or $MAX - D$ whichever is the lesser	$(PIAWE \times 95\%) - (E + D)$ , or $MAX - (E + D)$ whichever is the lesser	$(PIAWE \times 80\%) - (E + D)$ , or $MAX - (E + D)$ whichever is the lesser
After 52 weeks PIAWE equals pre-injury ordinary earnings only (no overtime or shift allowance)			
<b>Weeks 53 to 130 Section 37</b>	(same formula)	(same formula)	(same formula)
After second entitlement period (Section 38)	Total — No current work capacity likely to continue indefinitely	Partial — Current work capacity <b>and</b> : <ul style="list-style-type: none"> <li>has applied in writing for continuation of payments</li> <li>has returned to work for <b>15 or more</b> hours pw</li> <li>receiving at least \$155 pw current weekly earnings, and</li> <li>likely to continue indefinitely to be unable to increase current weekly earnings</li> <li>subject to review upon work capacity assessment</li> </ul>	
<b>Weeks 131 to 260 Section 38</b>	$(PIAWE \times 80\%) - D$ , or $MAX - D$ whichever is the lesser	$(PIAWE \times 80\%) - (E + D)$ , or $MAX - (E + D)$ whichever is the lesser	
No entitlement after 260 weeks unless worker has more than 20% whole person impairment (in which case the same rates apply as in weeks 131 to 260)			
PIAWE	pre-injury average weekly earnings	sections 44C – 44H	
D	deductible amount for non-pecuniary benefits received by worker from employer	sections 32A, 35, and 44F	
E	greater of current weekly earnings or ability to earn in some suitable employment after injury	sections 32A, 35, 44G and 44I	
MAX	maximum weekly compensation amount – \$1,838.70	section 34	

## Travel costs

The worker is entitled to reasonable travel costs to/from:

- medical treatment
- medical consultations requested by us
- other appointments requested by us.

Travel is reimbursed at the rate paid for public transport (upon production of receipts), or per km travelled by private vehicle. Travel via taxi needs to be pre-approved by your CGU Case Manager.

## Permanent impairment lump sum payment

Sometimes an injury may result in a permanent loss or impairment. In these cases the worker is entitled to an additional payment known as a section 66 payment. If the permanent impairment is medically assessed as being over 10%, the worker would be entitled to the additional payment.

We can only make this payment once the injury has stabilised. The worker's employment status does not impact on the amount paid. Only one claim can be made for permanent impairment compensation in respect of the permanent impairment that results from an injury.

These additional payments do not affect a worker's entitlement to other types of benefits such as treatment and weekly payments. Section 66 payments do not impact on return-to-work planning.

If you receive a claim from the worker for compensation for permanent impairment, forward the paperwork to us as soon as possible.

## Work injury damages

In certain circumstances an injured worker is able to submit a claim for Work Injury Damages. Work Injury Damages is paid as a lump sum. Once Work Injury Damages are paid, the injured worker is not entitled to any further benefits and their claim will be closed.

To be eligible for Work Injury Damages, the injured worker must:

- reach a certain threshold for permanent impairment
- be able to prove that their injury was caused by negligence of their employer.

## Dispute Resolution

Sometimes the parties involved in a workers compensation claim do not agree on the course of action to be taken. At these times we may request further dialogue with the worker's NTD and/or treating specialist. If this communication fails to resolve the matter, we may call upon medical experts relevant to the worker's condition to assist in negotiating an outcome.

If it is not possible to resolve an issue with your Case Manager, you may request an internal review by a CGU Team Manager or Claims Manager.

The following more formal avenues are also available:

## CGU customer feedback

If you wish to provide more formal feedback regarding our services, we have a customer feedback process.

If you have concerns with the way a claim is being managed, this is best resolved by contacting us directly by:

- completing our online Customer Feedback form at **[www.cgu.com.au/workerscompensation](http://www.cgu.com.au/workerscompensation)**
- emailing us at **[customer.feedback@cgu.com.au](mailto:customer.feedback@cgu.com.au)**
- telephoning our toll-free Customer Feedback hotline on 1800 801 241
- faxing our Customer Feedback Coordinator on (02) 9088 9688
- writing to: CGU Workers Compensation (NSW)  
Customer Feedback Coordinator  
PO Box 9960, Sydney, NSW 2001

Complaints and queries directed to us by the WorkCover Claims Assistance Service (CAS) are also dealt with via this formal process.

A full copy of our Customer Feedback and Service Charter is available on request or can be found at

**[www.cgu.com.au/workerscompensation.live](http://www.cgu.com.au/workerscompensation.live)**

## WorkCover NSW

WorkCover's Claims Assistance Service (CAS) can be reached by telephoning 13 10 50. This service assists employers and injured workers when there are delays or problems with workers compensation claims.

## Workers Compensation Commission (WCC)

The WCC deals with disputes about liability and treatment. These matters are normally lodged by the worker or their representative. The WCC provides a formal dispute resolution process which may involve a conciliation hearing or arbitration.

It is best to attempt to resolve any disagreements through other channels before lodging a dispute with the WCC. Further information about the WCC is at **[www.wcc.nsw.gov.au](http://www.wcc.nsw.gov.au)**

## Work Capacity Disputes

Work Capacity decisions made by CGU are binding however a worker may request a review of the decision handed down. The worker has the opportunity to submit their request for review following the order indicated below. Applications for review must be made within 30 days.

1. Request internal review by CGU
2. Request merit review by WorkCover
3. Request procedural review by WorkCover Independent Review Officer

## Further Information

Several resources have been referenced in this guide and are good sources of further information in relation to Workers' Compensation.

CGU resources are available on our website at **[www.cgu.com.au/workerscompensation](http://www.cgu.com.au/workerscompensation)**

WorkCover NSW resources are available on the website at **[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)**

All enquiries about policy and client services matters should be directed to the Sydney office. Claims enquiries can be directed to your closest regional office.



## Contact details

### Sydney

GPO Box 9960  
Sydney NSW 2001  
Phone: 1300 666 506

### Policy enquiries

Fax: (02) 9088 9709  
Email:  
WCNSWenquiries@cgu.com.au

### Client services

Fax: 1800 240 387  
Email:  
cguwc.nswcs@cgu.com.au

### Claims enquiries

Fax: 1300 666 406  
Email:  
WCNSWclaims@cgu.com.au

### Regional Offices

#### Newcastle

PO Box 834  
Newcastle NSW 2300  
Phone: (02) 4907 5200  
Fax: (02) 4907 5299  
Email:  
workerscomp.newcastle@cgu.com.au

#### Parramatta

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Parramatta NSW 2124  
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Fax: (02) 8895 0938

#### Tamworth

GPO Box 593  
Tamworth NSW 2340  
Phone: (02) 6767 2360  
Fax: (02) 6767 2381

#### Wollongong

PO Box 1759  
Wollongong NSW 2500  
Phone: (02) 4298 2000  
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