

## WorkCover claims procedures

### A Guide For Employers

#### Making a claim

Every employer must have a current workers compensation policy that covers all employees. In the event of an injury arising out of or in the course of employment, as the employer you are required to:

- Provide the injured worker access to a Register of Injuries, in the prescribed form, to enter details of any injury
- Make an early notification of the injury to QBE by completing a QBE First Contact Notification form
- Provide the injured worker with a Notice of Right to Make a Workers Compensation Claim form within 14 days
- Provide the injured worker with a Worker's Claim for Compensation form upon request. Claim forms must be provided to the worker, regardless of the employer's view about the incident or accident experienced by the injured worker
- Request that the injured worker completes the claim form and returns it immediately. Ensure that:
  - Questions 1-28, *Injured Worker's Report*, have been answered by the injured worker;
  - Questions 29-59, *Employer's Report*, have been completed by you
- Forward all accounts to QBE for payment, for example: accounts for medical consultations, hospitals, physiotherapy, ambulance etc.

#### Note:

- Compensation payments are not payable to the injured worker without receipt of a Workers Compensation Medical Certificate.
- Tasmanian legislation requires that the Worker's Claim for Compensation be forwarded to the insurer within five working days of receipt from the worker. Failure to do so may lead to penalties.

#### QBE can help ...

The earlier a claim is reported to QBE the sooner QBE can develop a strategy aimed at timely medical intervention and injury management planning for a cost effective return to work. This also applies to claims that you may not consider to be valid. The earlier QBE can investigate the circumstances and have fresh information at hand, the sooner a determination can be made on the claim. You can report claims early using the QBE First Contact notification form at: [qbe.com.au/business/claims/workers-compensation-by-state](http://qbe.com.au/business/claims/workers-compensation-by-state) and select TAS as your state.

#### Calculating rate of pay

Under the Act, workers receive statutory entitlements. If a worker is incapacitated as a result of a work injury, they are entitled to receive weekly payments equal to whichever is the greater of ordinary time rate of pay or normal weekly earnings.

When calculating normal weekly earnings overtime or excess hours are to be disregarded unless the worker meets all four of the following criteria:

1. The overtime or excess hours were a requirement of employment
2. The worker has established a regular pattern in accordance with a roster
3. The pattern was substantially uniform
4. The worker would have continued to work overtime or excess hours in accordance with the established pattern if the worker had not been incapacitated.

When an injured worker has been continuously employed by the same employer for less than 12 months, the period for which he or she was employed before the commencement of the period of incapacity is to be taken as the relevant



**In the event of a workplace injury there are certain procedures and legislative requirements an employer needs to act upon. The following information provides an outline of “what to do” in the event of an injury, your legislative requirements as per the Workers Rehabilitation and Compensation Act, 1988 (the Act) and calculating the rate of pay for an injured worker who is entitled to compensation due to a work related injury.**

period. Where the period of employment is 14 days or less, then the normal weekly earnings of the injured worker are to be equivalent to the normal weekly earnings of another worker who is employed by the same employer and performing comparable work. However, if there is no such worker then the calculation is based on the “expected weekly salary calculated on the hourly rate of pay for the work that he or she agreed or was rostered to perform in the pay period in which the incapacity occurred”.

When providing wage details on the claim form, please include information about how the normal weekly earnings were calculated. Legislation also requires that whilst an injured worker is incapacitated and receiving compensation under the Act, they are entitled to receive any salary increases they would normally have received had they been at work. Weekly benefits should be adjusted accordingly.

### QBE can help ...

Contact your QBE Case Manager if further clarification is required regarding the calculation of weekly compensation (including bonuses, tools, travel etc). We can also provide assistance if the worker's period of employment is less than 14 days or is of a seasonal nature.

### Like to know more?

There are other legislative requirements that employers should be aware of. We recommend that you familiarise yourself with the Tasmanian legislation applicable to workers compensation at: [www.workcover.tas.gov.au](http://www.workcover.tas.gov.au) or attend one of our training courses, visit: [www.qbe.com.au/WorkersCompensation](http://www.qbe.com.au/WorkersCompensation) and follow the links to Training.

Additionally, QBE has prepared the necessary documents for employers to display in the workplace as required by the Act. Please see *Workers Rehabilitation and Compensation Act, 1988 - A Summary for Display in the Workplace* and *Workplace Health and Safety Act 1995 - A Summary for Display in the Workplace*.

HOBART BRANCH	LAUNCESTON BRANCH
Level 7 85 Macquarie Street Hobart TAS 7000  Ph: 133 723 Fax: +61 3 6237 3933	111-113 St John Street Launceston TAS 7250  Ph: 133 723 Fax: +61 3 6237 3933