

When completing the Worker's Claim for Compensation form the worker should provide basic information about their injury or illness. This information should also be provided to the treating doctor, who will complete the initial Workers Compensation Medical Certificate.

Workers have a right to be involved in the management of their injury. For example, they should be consulted about when and how they return to work. It is not necessary for a worker to personally participate in these discussions; they can choose to be represented by their treating doctor, the rehabilitation coordinator or a vocational rehabilitation provider.

The worker has access to the Tribunal for the early resolution of any dispute that may arise.

Under certain conditions the worker can obtain access to damages, in addition to their rights under the Act by undertaking a successful common law action (see page 14).

## **What are the obligations and responsibilities of an employer?**

Under the Act it is compulsory for every employer to have a current workers compensation policy or to hold a permit to self-insure. An employer who does not have a current policy may be prosecuted, and if found guilty of the offence, be liable to be fined up to \$50,000, as well as an amount equal to the premium that the employer would have paid if insurance had been taken out.

In addition, uninsured employers will be held responsible to pay the full cost of compensation, including any common law costs, if their workers are injured.

Permits may be granted to employers to carry their own liability under the Act, provided that they are able to satisfy specific conditions and criteria laid down by the Board.

Employers are required to meet the costs of the first weekly rate payment for each injury suffered by a worker and the first \$200 of other benefits. This excess can be removed from the workers compensation insurance policy if an employer obtains a certificate from the Board, and pays any additional premium if required by the insurer. It is also possible for an employer to extend this period of insurance excess to 30 days.

The Act requires that payment of compensation to an injured worker is to be made as described on page 8.

Immediately upon receiving a claim for compensation from a worker, the employer must complete the employer's report section of the Worker's Claim for Compensation form and, together with the Workers Compensation Medical Certificate, send them to their insurer within five working days (unless they are a self-insurer).

Other specific obligations imposed on employers include:

- providing, along with their application to insurers for the issue or renewal of a workers compensation insurance policy, full and correct statements of people employed and wages paid
- keeping a record of all injuries notified by their workers.

In addition, employers should make available for the information of workers:

- details of the name and address of the insurer with whom the employer holds a policy of insurance under the Act, or if the employer is a self-insurer, details of any conditions under which a self-insurance permit has been granted
- a summary of the provisions of the Act
- a rehabilitation policy, prominently displayed in the workplace (where there are more than 20 workers)
- the person nominated as the rehabilitation coordinator (where there are more than 50 workers).