

WORKERS' COMPENSATION – EMPLOYER REQUIREMENTS

Amendments to the Accident Compensation Act (1985) became effective on 1 July 2005.

The amendments are aimed at achieving earlier intervention by Claims Agents, securing the earlier implementation of claims management strategies and ultimately, improving return to work outcomes for injured workers.

It is important to note that the amendments re-affirm the obligations on employers to lodge WorkCover claim forms within legislative timeframes.

Employers will be required to forward all time lost claims within 10 days of receiving the claim from the worker. Previously, employers could forward minor claims quarterly or at the point when the claim exceeded the employer threshold.

Additionally, as of 1 July 2005, injured workers may lodge a copy of their WorkCover claim for time lost directly with their Agent or the Victorian WorkCover Authority (VWA) at the same time they serve it on their employer.

However, even if the worker lodges the claim with the Agent or the VWA, the employer is still required to forward the copy received from the employee and any relevant documents in their possession, to the Agent.

The amendments provide for potential penalties to be applied to employers who lodge claim forms for weekly compensation more than 10 days late.

The penalty will equal the amount paid in weekly compensation from the day the claim exceeds the employer excess until the day the Agent or the VWA receives the claim from the employer.

The penalty will be applicable unless the employer can demonstrate 'reasonable cause' or circumstances outside their control, which lead to the delay in forwarding the claim form.

The message for employers is clear – to avoid penalties, employers need to ensure claims are lodged within 10 days of receipt.

Should you have any queries, please contact us on (03) 9297 9000.