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SIRA RESPONSES

The response from SIRA following the questions raised to Darren Parker addressed at the Education on 31st March 2020 that was not able to be addressed at the time is as follows:

Question Number	Question	Recommendations
4	Now that surgeries have been put on hold. This will impact the RTW rates. Will the RTW compliance target be tweaked	There is no change in the way SIRA will measure RTW rates. SIRA will continue to liaise with insurers during this time to review the impacts of Covid-19 on the workers compensation system.
5	SIRA are asking us to pay claims for COVID 19. Is this if they are positive only. What about employees who are just self-isolating due to possible exposure. How can we determine the possible exposure has come from the workplace	To determine liability, the insurer will need to consider the relevant legislative provisions and consider the available factual and medical evidence. For most workers in NSW, COVID-19 may be considered under the disease provisions of the Workers Compensation Act 1987 (1987 Act). Injury is defined in section 4 of the 1987 Act to include disease injury, which means a disease that is contracted in the course of employment, but only if the employment was the main contributing factor to contracting the disease. Differences apply for exempt categories of workers. This is because the amendments introduced in the Workers Compensation Legislation Amendment Act 2012 do not apply to exempt categories of workers, including police officers, paramedics and firefighters. Claims by exempt workers are mainly managed as though the June 2012 amendments never occurred. For exempt workers, sections 4 and 9A of the 1987 Act work together so that the relevant threshold test is substantial contributing factor.



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6	Apart from Health workers who may contract covid-19 from their workplace which has a direct link to employment how can an insurer determine liability if an employee states they have contracted covid-19 if they have been working from home?	As per question 5.
7	Question. What is SIRAs view as to how any claim for Covid19 is related to the workers employment if the employer has followed the advice from the government	As above SIRA expects insurers to operate the legislation and guidelines. SIRA's expectation is an insurer review all available evidence provided to them and provide information to all parties regarding decisions made.
8	Who would be responsible for a worker is affected by COVAD following surgery if surgery occurred today and the worker is admitted to hospital.	Standard of Practice 13 deals with Additional or consequential loss and expectations of insurers.
9	What aspects of compliance/reporting will be relaxed given the current circumstances	SIRA expects insurers to continue to operate in line with the legislation, guidelines and licence conditions. Where an insurer is experiencing difficulties in undertaking normal operations, they should to contact their Portfolio Manager to discuss any concerns they may have.
12	Will SIRA will be considering relaxing the requirement for self-audit this year	SIRA is expecting insurers to undertake their self-audit as usual. If the COVID restrictions are having an impact to this operation, then insurers should contact their Portfolio Manager and discuss their individual situation.



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13	Some organisations are now providing tele conference for IME, are these appropriate	<p>Advice was provided by SIRA within the bulletin to advise where it is suitable an IME may take place by alternative methods.</p> <p>Screening protocols for independent medical examinations and other assessments</p> <p>We encourage insurers to work with their providers to develop and implement suitable screening protocols for independent medical examinations and other meetings or assessments requiring face-to-face contact during this time. A robust screening protocol incorporating pre-meeting telephone screening, day before text messaging and further screening immediately before commencing the examination/meeting, will help to contain the effects of COVID-19, while keeping the system operational. It is important that workers who have travelled from a high-risk country, who have returned from overseas on or after 16 March 2020, who have been in close contact with a person with or suspected of having COVID-19, or who have flu-like symptoms not attend medical examinations and other meetings that may put themselves and/or others at risk. Video may be appropriate to use in some cases.</p> <p>Insurers should also have regard to workers' broader health conditions as well as their compensable injury, including any concerns workers may have regarding travel.</p>
15	In the current climate is there a possibility that audits could be deferred for this financial year?	<p>SIRA is expecting insurers to undertake their self-audit as usual. If the COVID restrictions are having an impact to this operation, then insurers should contact their Portfolio Manager and discuss their individual situation.</p>



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17	<p>What is SIRA's recommendations on when a face to face assessment is required (i.e work capacity functional assessment) and the worker is raising concerns in attending due to virus, in particular on noncompliance. We still have an obligation to manage claim to conduct a work capacity assessment.</p>	<p>In line with workers attending any appointment (eg: NTD review, treatment provider, non-treating medical appointment), an insurer should work with the worker to arrange a suitable solution to attending an appointment and take into consideration suitable screening protocols requiring face to face contact during this time.</p> <p>A robust screening protocol incorporating pre-meeting telephone screening, day before text messaging and further screening immediately before commencing the examination/meeting, will help to contain the effects of COVID-19, while keeping the system operational. It is important that workers who have travelled from a high-risk country, who have returned from overseas on or after 16 March 2020, who have been in close contact with a person with or suspected of having COVID-19, or who have flu-like symptoms not attend medical examinations and other meetings that may put themselves and/or others at risk. Video may be appropriate to use in some cases.</p> <p>Insurers should also have regard to workers' broader health conditions as well as their compensable injury, including any concerns workers may have regarding travel.</p>
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18	<p>in regards to the legislative changes making powers to provide a degree of flexibility for certification on an injured person's ability to work after the initial assessment is conducted by the medical practitioner my concern relates to subsequent certificates provided by a treating allied health professional for example if a physiotherapist issues a certificate of capacity recommending additional treatment this may affect a workers capacity for some type of work or a gradual increase in hours / days etc making recovery protracted? As a claims officer to manage this scenario would I be required to not only clarify queries with the allied health provider and the NTD? if an IMC is required does the IMC contact the Allied Health provider or the NTD?</p>	<p>The certificate of capacity to be completed by a physiotherapist or psychologist is unable to refer for alternative treatment. In the event a physiotherapist or psychologist requires more sessions to assist a worker with their recovery at work, they will be required to complete an Allied Health Recovery Request where the sessions will fall outside of the pre-approved sessions in accordance with the workers compensation guidelines.</p> <p>Advice provided on the SIRA website includes information for a physiotherapist or psychologist to refer a worker back to their NTD in the event the worker is in the care of multiple allied health practitioners and they are unable to provide certification.</p> <p>Insurers are encouraged to source information from treating parties for the purpose of claims management relating to medical and treatment services. This may include the certifying practitioner and other health providers working with a worker.</p>
19	<p>How can we avoid workers using the COVID19 situation as an excuse for now not attending say a functional and VOc assessment for an injured worker who recently left our employment</p>	<p>As per question 13.</p>
21	<p>Similar forum with a range of people especially with P/managers as they are very difficult to get hold of</p>	<p>In the event you are unable to get hold of the Portfolio Manager please email the self & specialised mail box at SelfSpecialisedInsurers@sira.nsw.gov.au. Additional contacts for the Insurer Performance team were provided recently to insurers via the weekly correspondence and insurer portal.</p>



N.S.W. Workers' Compensation
Self-Insurers Association Inc.

Employers Managing Their Own Risk
ABN 69 780 464 009

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22	CDR data is available to SIRA on monthly basis regarding our compliance/performance - given this, could the self-audit be deferred.	SIRA is expecting insurers to undertake their self-audit as usual. If the COVID restrictions are having an impact to this operation, then insurers should contact their Portfolio Manager and discuss their individual situation.
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