

COVID-19 Claims - FAQs

What is the Workers' Compensation COVID-19 presumptive legislation?

Section 19B of the Workers' Compensation Act 1987 ('the Act') states that workers with COVID-19 who are engaged in certain types of employment will be presumed to have contracted the virus in the course of their employment.

This applies to the following areas of employment:

- ◆ the retail industry (excluding purely online businesses)
- ◆ the health care sector, including public health employees
- ◆ police and emergency services
- ◆ firefighters (including rural fire services)
- ◆ ambulance officers
- ◆ educational institutions, including pre-schools, schools and tertiary institutions (other than establishments providing only online teaching)
- ◆ the cleaning industry
- ◆ the construction industry
- ◆ restaurants, clubs and hotels
- ◆ disability and aged care facilities
- ◆ refuges, halfway houses and shelters
- ◆ passenger transport services
- ◆ courts and tribunals
- ◆ correctional and detention centres
- ◆ places of public entertainment or instruction (including cinemas, museums, galleries, cultural institutions, libraries and casinos)
- ◆ cafes
- ◆ supermarkets
- ◆ funeral homes
- ◆ childcare facilities.

If an employer is notified that a worker engaged in prescribed employment has contracted COVID-19, the employer is required to notify CCI, regardless of whether they believe it was

contracted by the worker in the course of employment. This includes workers covered by the presumption who contracted COVID-19 whilst on annual or other types of leave.

As with all notifications to CCI, employers must notify the insurer within 48 hours after becoming aware that a worker has received a workplace injury (s44 of the WIM Act 1998).

If you are unsure whether the presumption applies to a particular worker, please contact CCI to discuss.

Does the presumptive legislation apply to casual workers?

The presumption applies to all types of workers in the above areas of employment. However, for the presumption to apply to casual workers they must have worked on one or more of the 21 days before their date of injury.

Do I need to notify CCI of a positive COVID-19 case if the worker is not (included under presumptive legislation) in prescribed employment and the presumption does not apply?

If a worker contracts COVID-19 and they are not engaged in employment prescribed under section 19B of the Act, then the same provisions apply as any other workplace injury or illness.

An employer is only required to notify CCI if the worker states they contracted COVID-19 at work. If a worker confirms they did not contract COVID-19 at work, it is not considered an injury and does not need to be notified to CCI.

What information does an employer need to provide CCI when notifying of a positive COVID-19 case?

The minimum information CCI requires you to include in a notification is:

- ◆ Worker name and contact details (including phone number, postal address and email address)
- ◆ Employer business name and contact details and cost centre if known
- ◆ Name and address of the particular facility where the worker is employed (if relevant)
- ◆ Notifier name and contact details (phone number and postal address) and details of their relationship to the worker
- ◆ Date of injury (which in most COVID-19 positive cases will be the date of the positive test)
- ◆ Date the employer was notified of the COVID-19 infection
- ◆ Treating doctor (if known)
- ◆ Description of the injury

- ◆ Details of any time lost from work as a consequence of the worker having contracted COVID-19

What will CCI do once a COVID-19 case is notified?

After registering an initial notification of a COVID-19 related injury, CCI is required to contact the worker and the employer. This initial contact is required in accordance with the following:

- ◆ SIRA Standard of Practice 32, provides that *“following notification of an injury where the worker has a diagnosis of COVID-19, the insurer is to proactively contact all parties as soon as possible....”* to discuss various matters relating to that injury.

If, during this contact, the worker advises they do not wish to pursue the claim further, CCI will apply a reasonable excuse that ‘there is no requirement for weekly payments’, issue a reasonable excuse letter to both the worker and the employer and finalise the claim. The letters will advise parties how the worker can make a claim if they wish to do so.

If upon contact the worker advises they wish to proceed with a claim, CCI will assess the information provided and advise the worker what further information is required to make a liability decision. A liability decision will then be made by day 7 following notification.

Do I need to notify CCI of a claim if a worker is exposed to COVID-19 or is required to self-isolate?

If a worker is exposed to COVID-19 and/or is required to self-isolate, but does not have any symptoms, this does not meet the definition of injury and does not need to be notified to CCI.

Do I need to notify CCI if a worker has symptoms but has not completed a COVID-19 test to confirm the diagnosis?

If a worker has COVID-19 symptoms but a Rapid Antigen or PCR test to confirm the diagnosis has not been conducted, an employer might consider encouraging a worker to undertake a test before notifying CCI of the diagnosis. However, CCI understands that there are current Rapid Antigen Test shortages and PCR tests are limited. Given this, if a notification is made based on COVID-19 symptoms alone, CCI will consider each case based on its facts and will advise stakeholders of any further information required before making a liability decision.

This [link](#) provides some useful information from the NSW Government relating to the use of Rapid Antigen Tests in the workplace which might be useful for employers.

Will CCI consider a positive result from a Rapid Antigen Test as evidence of a COVID-19 diagnosis?

Currently Rapid Antigen Tests are not listed as an approved test in relation to confirming a COVID-19 diagnosis for the purposes of the presumptive legislation. However, given the changing government policies in relation to testing, CCI will consider the use of Rapid Antigen

Tests to confirm a diagnosis on a case-by-case basis. In some situations, further information may be requested from the worker to confirm the diagnosis before a liability decision is made.

Should you have any questions relating to the above or anything to do with COVID-19, you can contact us on **1800 011 028**.

Are there different notification processes for COVID-19 Workers' Compensation and Liability matters (Public Liability/Employment Practices Liability claims)?

Yes, the Workers' Compensation & Public Liability/Employment Practices Liability claims are serviced and supported by different CCI teams.

For all Workers' Compensation COVID-19 related matters, please notify CCI via our dedicated COVID-19 claims email inbox.

Email: covidclaims@ccinsurance.org.au

Phone: 1800 011 028

For all Liability COVID-19 related matters, please notify CCI via our liability claims email inbox.

Email: LiabilityClaims@ccinsurance.org.au

Phone: 1800 011 028

If you are unsure as to whether a matter is a Workers' Compensation claim and / or a Liability matter, please contact your Client Relationship Executive.

I have previously lodged a Workers' Compensation claim via the general inbox workerscompensation@ccinsurance.org.au will the claim still be actioned?

Yes, the COVID-19 dedicated email address (covidclaims@ccinsurance.org.au) has recently been implemented to isolate COVID-19 related matters and to ensure CCI is better equipped to monitor volumes.

Any COVID-19 claims previously lodged via workerscompensation@ccinsurance.org.au will have been actioned accordingly.

How will increased COVID-19 claims impact my renewal from a premium perspective?

CCI is carefully monitoring the continuing risks, exposures and claims relating to COVID-19. We have conducted a portfolio review which includes modelling potential impacts.

Due to the developing nature of the virus and any new variants, we will continue to actively review and model the ongoing impact on our portfolio.

From a premium perspective, with six months between now and your next renewal, it is too early to specifically advise you on any premium impact. Work is currently being undertaken, which will assist us in advising you of any possible premium impacts.

