

22 April 2025

Andres Gutierrez Nieto  
25B  
SUN CRESCENT  
SUNSHINE VIC 3020

**CLAIM NUMBER**

**08240066969**

*(Please include this number on  
documents you send about this claim)*

**DATE OF INJURY**

18 March 2025

**EMPLOYER**

SYMMETRY HUMAN RESOURCES  
GROUP P/L

Dear Andres

**Acceptance of your claim for compensation**

We are pleased to advise that your claim has been accepted. This means you can receive payments for your work-related injury subject to Victorian workers compensation law.

**Your payment amount**

DXC Integrated Services Victoria Pty Ltd (DXC) is currently in discussions with your employer to ensure you get the correct weekly payment. We will contact you again once we have confirmed your weekly payment amount.

**What has been accepted?**

DXC accepts you have a soft tissue injury to the left and right hand that is related to your employment which entitles you to receive weekly payments and the reasonable costs of treatment. DXC has not otherwise made any determination about the way your injury occurred or your medical diagnosis.

**What do I need to do now?**

You will receive weekly payments from your employer. DXC will reimburse your employer. DXC will also pay the reasonable costs of medical and like services required for your work-related injury.

Action required	Contact
Read the attached Claim Information Sheet, which forms part of this notice and contains important information about weekly payments, reasonable medical and like services, return to work and review rights.	DXC  or  your employer
Provide your employer or DXC with ongoing Certificates of Capacity every 28 days* if you are unable to do your normal job or work your normal hours.	
Complete the attached 'Worker choice of occupational rehabilitation provider form and return it to DXC.	
Make reasonable efforts to actively participate in return to work planning and cooperate with your employer and occupational rehabilitation service (where relevant). Keep your employer and DXC informed of your progress.	

*\* Unless special circumstances apply and DXC has agreed to an alternative timeframe*

### Can I ask DXC to reconsider its decision?

Yes. In addition to the legal right of review listed below and provided by the legislation you may also ask DXC to undertake an internal review of the decision.

To assist with the internal review, you should explain why you disagree with the original decision. You can also give DXC any additional information you have which is relevant to the decision. We will pay the **reasonable** costs of obtaining that additional information.

Asking for internal review does not affect your legal rights. It also does not affect the time period you have to apply to the Workplace Injury Commission (WIC) to conciliate the dispute. You do not need to wait to request conciliation because you have requested an internal review.

### Can I dispute this decision?

Yes. If you dispute this decision or this notice, you have the legal right to:

#### 1. Apply for conciliation by the WIC

To apply for conciliation you must send or deliver a completed Application for Conciliation form to the WIC:

- by email to [afc@wic.vic.gov.au](mailto:afc@wic.vic.gov.au);
- by mail to Workplace Injury Commission, GPO Box 251, Melbourne 3001; or
- in person to 215 Spring St, Melbourne 3000

You must send or deliver the form within 60 days of receiving this letter.

If you need more than 60 days to complete the Application for Conciliation form, you can apply for an extension of time during the 60 days by sending the WIC a Request to Extend Time to Lodge an Application for Conciliation form found on the WIC website.

To obtain the above mentioned conciliation forms and to learn more about conciliation visit **wic.vic.gov.au** or call the WIC on 1800 635 960. Conciliation is a free service.

## **2. Workers' Compensation Independent Review Service (WCIRS), Arbitration or Application to Court**

Where conciliation does not resolve the dispute and the Conciliation Officer issues a Genuine Dispute Certificate, you may be eligible to:

- apply for an independent review by the WCIRS;
- request that the matter is referred to arbitration; or
- go to court to challenge the decision.

### **Apply for a review by the WCIRS**

The WCIRS allows injured workers to seek a quick and cost-effective review of certain reviewable decisions made by Agents.

For information about how to seek a WCIRS independent review, which decisions can be reviewed, when a worker can seek a review, and other useful information visit **worksafe.vic.gov.au/wcirs**

You can request a WCIRS independent review by:

- lodging an application using the online application portal found on the WorkSafe website;
- downloading the application form from the WorkSafe website and returning it to WCIRS; or
- telephoning WCIRS on (03) 4243 7061 to request an application form be sent to you via email or mail and returning a completed form to them.

### **Refer a dispute to arbitration**

Arbitration is a dispute resolution service available for certain types of disputes where parties have not reached an agreement at Conciliation, and the WIC has issued a Genuine Dispute Certificate. Arbitration is available for eligible workers injured **on or after 1 September 2022**. However, arbitration is not available where the dispute relates to:

- the rejection of a claim or a decision based on initial eligibility criteria, for workers injured on or after **31 March 2024**;
- the degree of impairment.

To refer a dispute for arbitration you must send or deliver a completed Referral for Arbitration form to the WIC:

- by email to [arbferral@wic.vic.gov.au](mailto:arbferral@wic.vic.gov.au);
- by mail to Workplace Injury Commission, GPO Box 251, Melbourne 3001; or
- in person to 215 Spring St, Melbourne 3000.

A Referral for Arbitration form needs to be lodged within 60 days of receiving the Genuine Dispute Certificate from the WIC.

If you need more than 60 days to complete the Referral for Arbitration form, you can apply for an extension of time during the 60 days by sending the WIC a Request to Extend Time to Lodge a Referral for Arbitration Form found on their website

To obtain arbitration forms and to learn more about the eligibility criteria for arbitration visit **wic.vic.gov.au** or call the WIC on 1800 635 960.

### **Go to court to challenge the decision**

You can apply to the Magistrates' Court or the County Court to challenge the decision. Usually, this cannot be done without a Genuine Dispute Certificate from the WIC which certifies that they are satisfied that the parties have taken all reasonable steps to settle the dispute.

Always consider seeking legal advice before deciding whether to proceed to arbitration or court. The Law Institute of Victoria can refer you to a lawyer who may be able to assist you. For more information visit [liv.asn.au](http://liv.asn.au) or contact them on (03) 9607 9550.

### **Who can I get assistance from?**

To make a general enquiry or for assistance with disputed claims and the WIC process, please refer to 'Getting assistance for your conciliation' (enclosed).

### **Where can I get more information?**

- Read the enclosed documents.
- Contact us on freecall 1800 801070 or directly on my number below
- Download the free **VicClaim** app from Google Play or the App Store.
- Go to the WorkSafe Victoria website at **worksafe.vic.gov.au**

Yours sincerely

*Aakrithi Kumar*

Aakrithi Kumar  
Eligibility Officer  
Direct phone number: (03) 99473366  
Direct fax number: (03) 99473005  
DXC Integrated Services Victoria Pty Ltd

**On behalf of WorkSafe Victoria**  
**a trading name of the Victorian WorkCover Authority**

Enclosed:

*Your claim information sheet*  
*A guide for injured workers - Introducing WorkSafe*  
*Getting assistance for your conciliation*  
*More information about pre-injury average weekly earnings*  
*Worker choice of occupational rehabilitation provider*

## Your claim information sheet

### What can change my weekly payments amounts?

<b>Additional information is received</b>	<p>Your Pre-Injury Average Weekly Earnings (PIAWE) amount may need to be recalculated if you or your employer advise us of any of the following:</p> <ul style="list-style-type: none"> <li>▪ you have taken paid or unpaid leave in the 52 weeks prior to your injury (or lesser period if applicable)</li> <li>▪ you have recently been promoted or appointed to a different position</li> <li>▪ you receive non-pecuniary benefits (eg accommodation or a car) as part of your remuneration package</li> <li>▪ you are paid commissions</li> </ul>
<b>You are currently working or find alternative work</b>	<p>You must immediately advise your employer and us if you are currently working or return to any work other than with your employer (including self-employment or work with another employer).</p>
<b>You receive other payments</b>	<p>You must notify us in writing within 14 days of receiving a lump sum or pension as this may reduce or suspend your weekly payments.</p> <p>You must also notify us in writing of any change in the lump sum or pension amount or if you withdraw or redeem any part of the lump sum amount or interest.</p>

### What medical and like services can be paid?

We can pay the reasonable costs\* of medical and like services required for your work-related injury.

Information regarding medical and like services
The services you seek must be reasonable and necessary for your work-related injury and the costs of the service are reasonable.
There are some services that do not need prior approval from us (eg appointments with your doctor). If you're not sure whether a service requires approval, we can let you know whether you need this before having the service.
The provider you seek services from should be aware of WorkSafe's provider registration criteria.
If you have original accounts and/or receipts, please keep copies for yourself prior to sending to us or your employer. Often providers can invoice us directly.

\* *Payment of the reasonable costs of medical and like services does not necessarily mean payment of the full costs. Sometimes there may be a gap between what the provider charges you and what we can pay as the reasonable costs of the service under WorkSafe Scheduled Fees.*

*For more information about reasonable costs and medical and like services, see [worksafe.vic.gov.au](http://worksafe.vic.gov.au) or the enclosed 'A guide for injured workers'.*

### Returning to safe and sustainable work

Getting back to work after a work-related injury or illness is an important step in your recovery. You, your employer and your Agent all have responsibilities (to the extent that is reasonable) in relation to your safe and sustainable return to work.

We are committed to working with you, your treating health practitioner(s) and your employer to support your recovery and return safely to work as quickly as possible. You may also want to discuss your return to work with your union or another source of independent advice.

You, your employer and DXC have return to work responsibilities, these are outlined in more detail in 'A guide for injured workers - Introducing WorkSafe'. In summary:

<b>Your responsibilities include:</b>	<ul style="list-style-type: none"><li>▪ Actively participating in return to work planning and cooperate with your employer and your Agent</li><li>▪ Actively using any occupational rehabilitation (OR) services provided and cooperate with the service provider (if relevant).</li><li>▪ Making reasonable efforts to return to work at your workplace or at another place of employment.</li><li>▪ Actively participating and cooperating in capacity for work, rehabilitation progress and future employment assessments if requested by your employer or us.</li><li>▪ Actively participate and cooperate in return to work enhancement interviews with us where requested.</li><li>▪ You can be represented, assisted and supported in the return to work process*</li></ul>
<b>Your employer's responsibilities include:</b>	<ul style="list-style-type: none"><li>▪ Planning and supporting you in your return to safe work</li><li>▪ Consulting with you and your treating health practitioner and the occupational rehabilitation services provider (where relevant) about your return to safe work</li><li>▪ Whilst you are incapacitated for work, working with you to provide suitable employment for an aggregate period of 52 weeks</li></ul>
<b>Our responsibilities include:</b>	<ul style="list-style-type: none"><li>▪ Supporting you in your recovery and return to safe work</li><li>▪ Assisting your employer to pay your weekly payments accurately and on time</li><li>▪ Paying the reasonable costs of required medical and like services</li><li>▪ Providing you with occupational rehabilitation services if required</li><li>▪ Engaging with all parties involved in your return to work</li></ul>

\* A representative in the return to work process does not include a legal practitioner

## Getting assistance for your conciliation

There are a number of places you can turn to for assistance with disputes on claims and the Workplace Injury Commission process including:

- **A solicitor** - if you do not have a solicitor, you may wish to phone the Law Institute of Victoria's legal referral service for advice on (03) 9607 9550.
- **Union Assist** - a free and independent service which offers support, guidance and advice. Operated by the Victorian Trades Hall Council. Please call (03) 9639 6144.
- **WorkCover Assist** - a free service provided by WorkSafe Victoria. They offer support and guidance and can simplify the dispute resolution process for you. Please call (03) 9941 0537.
- **Your union** - contact details for unions operating in Victoria are detailed in the table below.

Union	Phone Number
Ambulance Employees Australia	(03) 9235 7675
Association Of Professional Engineers, Scientists And Managers, Australia (APESMA)	(03) 9695 8807
Australasian Meat Industry Employees' Union (AMIEU)	(03) 9662 3766
Australian Education Union Victorian Branch (AEUVB)	(03) 9417 2822
Australian Institute Of Marine And Power Engineers (AIMPE)	(03) 9690 0506
Australian Licenced Aircraft Engineers Association (ALAEA)	(03) 9691 7103
Australian Manufacturing Workers Union (AMWU)	(03) 9230 5700
Australian Nursing Federation (ANF)	(03) 9275 9333
Australian Principals Federation (APF)	(03) 8566 7627
Australian Services Union (ASU) - Victorian Authorities & Services Branch	1300 855 570
- Victorian Private Sector Branch	(03) 9320 6700
Australian Workers Union (AWU)	1300 362 298
Blind Workers Union Of Victoria (BWU Of V)	(03) 8378 1205
Civil Air Operations (CAOOAA)	(03) 9647 9100
Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing And Allied Services Union Of Australia (CEPU)	
- Communications Workers Union (CWU)	(03) 9349 2100
- Electrical Trades Union (ETU)	(03) 8329 0000
- Plumbing Trades Employees Union (PTEU)	(03) 9662 3388
Community and Public Sector Union - PSU Group	1800 137 636
- State Public Services Federation (CPSU/SPSF)	(03) 9639 1822
Construction, Forestry, Mining & Energy Union (CFMEU)	
- Construction & General Division	(03) 9341 3444
- Forestry & Furnishing Products Division (FFPD) - Victorian Forestry District - Pulp & Paper Workers' District	(03) 9274 9200
- Mining & Energy Division	(03) 5134 3311
Finance Sector Union Of Australia (FSU)	1300 366 378
Flight Attendants Association Of Australia (FAAA)	1800 733 222
Health Services Union (HSU) Victoria - No 1 Branch	1800 331 974
No 2 Branch - Health and Community Services Union (HACSU)	1300 651 931
No 3 Branch - Health Professionals	(03) 9341 3390
No 4 Branch - Association of Hospital Pharmacists (AHP) - Medical Scientists Association of Victoria (MSAV) - Victorian Psychologists Association Incorporated (VPA)	(03) 9623 9623
Independent Education Union (IEU)	(03) 9254 1860
Maritime Union of Australia (MUA)	(03) 9329 5477
Media, Entertainment & Arts Alliance (MEAA)	1300 656 512
National Tertiary Education Union (NTEU)	(03) 9254 1930
National Union Of Workers (NUW)	(03) 9287 1777
The Police Association of Victoria (TPAV)	(03) 9468 2600
Professional Footballers Association (PFA)	(03) 9287 1888
Rail, Tram & Bus Union (RTBU)	(03) 9600 3030
Shop, Distributive and Allied Employees' Association (SDA)	(03) 9698 1400
Textile, Clothing And Footwear Union Of Australia (TCFUA)	(03) 9639 2955
Transport Workers Union Of Australia (TWU)	1300 727 614
United Firefighters Union (UFU)	(03) 9419 8811
United Voice	(03) 9235 7777



# Worker choice of occupational rehabilitation provider



## What you need to know about occupational rehabilitation services

- Occupational rehabilitation (OR) services are aimed at helping you to return to work or stay at work with your injury employer or, if that is not possible, return to work with a new employer.
- Services can only be delivered by an occupational rehabilitation provider approved by WorkSafe Victoria (WorkSafe).
- If your WorkSafe Agent approves an OR service for you, you are entitled to choose a provider you would like to deliver the service.

## What to do if you would like to choose an OR provider now

It is important you understand that choosing a provider at this time does not mean OR services have been approved for you. However, choosing a provider now will allow you to start this service quickly if it is approved for you at a later date.

Victorian workers compensation legislation requires that you be provided with a list of at least three providers nominated by your WorkSafe Agent (where three are available). This list will take into consideration your work-related injury, the type of service you may require, where you live and the location where the service may be provided.

Please choose the provider you would like, sign and return this form to your WorkSafe Agent, alternatively, contact your WorkSafe Agent via telephone or email to provide them with your choice.

You can find contact details for providers approved by WorkSafe by visiting the WorkSafe website at [worksafe.vic.gov.au/choosing-occupational-rehabilitation-provider](https://worksafe.vic.gov.au/choosing-occupational-rehabilitation-provider).

Worker Name


WorkSafe Claim Number

Andres Gutierrez Nieto	08240066969
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Name of Approved OR Provider	Address and Phone Number	Tick your choice of Provider
WORK ABLE CONSULTING	NES OFFICE ONLY SYDENHAM NEIGHBOURHOOD HOUSE LEVEL 1/1 STATION STREET TAYLORS LAKES VIC 3038 Phone: (03) 96204212	<input type="checkbox"/>
AMS CONSULTING	NES ONLY 27 DUKE ST SUNSHINE VIC 3020 Phone: (03) 96204212	<input checked="" type="checkbox"/>
CAC	17 RIDDELL ROAD SUNBURY VIC 3429 Phone: 1300786860	<input type="checkbox"/>

Signature of applicant

Date

	22/04/2025
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## What will happen if you do not choose an OR provider now

If you do not choose a provider now and OR services are later approved for you, your WorkSafe Agent will provide you with a new list of providers at that time.

## More information

For more information about OR services, you can contact your WorkSafe Agent, employer, Return to Work Co-ordinator or union or visit the WorkSafe website.



## More information about



# Pre-injury average weekly earnings

For workers and employers

October 2010

If a worker loses income because of a work-related injury or illness, they may be entitled to weekly payments. These weekly payments are calculated based on pre-injury average weekly earnings (PIAWE).

### How PIAWE is calculated

PIAWE is calculated based on a worker's average weekly earnings for the 52 weeks before their injury. If a worker has been with their employer for less than 52 weeks, the average weekly earnings for the period of employment is used. Periods of unpaid leave and weeks not worked are excluded from the calculation of PIAWE.

PIAWE is based on ordinary earnings for the normal number of hours worked per week. Items that may be included in PIAWE are listed below.

✓	base rate of pay
✓	overtime and shift allowances
✓	piece rates
✓	commissions
✓	the monetary value of certain non-pecuniary benefits
✓	the value of any part of a worker's salary that is directed to another party at the request of the worker - commonly referred to as a salary sacrifice.

Items such as incentive based payments or bonuses, loadings, monetary allowances and any other separately identifiable amount are excluded.

Overtime or shift allowances may be included in the calculation of PIAWE for the first 52 weeks of weekly payments.

If a worker receives a non-pecuniary benefit or has a salary packaging arrangement, the value of this may be included in their PIAWE. This may include residential accommodation, a motor vehicle, private health insurance or education fees. If a worker has requested their employer to direct any part of their salary to another party (commonly known as "salary sacrifice") this may also be included in PIAWE.

### How weekly payments are calculated

A worker's PIAWE is used to calculate their weekly payments. Weekly payments are based on a percentage of PIAWE, and the percentage rate changes depending on how long a worker receives weekly payments. The table below shows the percentage rate changes for the first 130 weeks

The first 13 weeks	95% of PIAWE
14 to 130 weeks	80% of PIAWE

If a worker continues to receive non-pecuniary benefits or salary sacrifice arrangements after their injury, the monetary value of these benefits or sacrificed amounts will be deducted from their PIAWE. This deduction will also occur if the worker starts receiving non-pecuniary benefits or enters into salary sacrifice arrangements while receiving weekly payments.

Weekly payments are also subject to a maximum amount. This maximum amount is twice Victoria's state average weekly earnings. If a worker's weekly payments are calculated to be above this maximum amount, a worker can only be paid the maximum amount.

Workers may also be entitled to additional or 'top up' pay through an award or enterprise bargaining agreement. Workers should talk to their employer, union or Wageline to get more information about top up pay.

### Where to get more information

For general information about pre-injury average weekly earnings and weekly payments, visit the Injury & Claims section at [worksafe.vic.gov.au](http://worksafe.vic.gov.au)

For specific information about your individual circumstances, please contact your Agent.

You can also call WorkSafe's Advisory Service on freecall **1800 136 089** or **(03) 9641 1444** for free, confidential advice and assistance.

While every effort has been made to ensure the accuracy of the information in this document, it does not consider your individual circumstances and is provided for general information only. It should not be viewed as a definitive guide to the law. WorkSafe cannot be held responsible and extends no warranties as to the suitability of the information for any particular purpose or actions taken by third parties as a result of this information.