

WORKCOVER - LEGAL ASPECTS

WHAT CAN I DO IF I AM INJURED AT WORK?

(applicable for injuries sustained on or after 20.10.1999
- alternative schemes apply for injuries prior to this date)

Q. What must I do first?

A. You must lodge a WorkCover Claim form or give notice of injury as soon as practicable after the injury. Claims for medical expenses can only be made within six months of the expense being incurred.

Q. What legal benefits can I claim?

A. You can claim benefits for medical expenses, loss of earnings and impairment benefits, and you can sue a negligent person for damages.

Q. What kind of medical expenses can I claim?

A. You can claim the reasonable costs of medical, hospital, nursing, rehabilitation and ambulance services, physiotherapy and chiropractic expenses, as well as other similar expenses.

Q. How much can I claim for loss of earnings?

A. Subject to maximum and minimum allowances, you can claim a percentage of your pre-injury average weekly earnings. The payment can cut out completely after 130 weeks, unless you satisfy certain criteria.

Q. What are impairment benefits?

A. Your degree of impairment is assessed by reference to a number of doctors. You can claim lump sum benefits if your impairment is assessed as being at a level of 5% or more.

Q. What if the accident was my fault?

A. The above benefits are payable regardless of fault.

Q. What if I do not agree with a WorkCover Insurer's decision?

A. You can challenge most decisions by taking them to the Accident Compensation Conciliation Service. If you still cannot resolve it, you can take the WorkCover Insurer to Court.

Q. Can I sue for damages?

A. In instances where you have sustained a serious injury, you can sue for damages (compensation) provided that your injuries were caused by someone else's fault. The fault commonly lies with the employer, which has strong obligations to ensure that its workers are not injured during work. The damages are paid by the WorkCover Insurer and not by the employer. Substantial damages are allowed for pain and suffering and loss of enjoyment of life, as well as for loss of earnings.

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