

Have you been injured at work?

KEY INFORMATION FOR WORKERS

In Australia, we have a no-fault workers compensation system. It doesn't matter who is at fault, you or them. If you have been injured or made sick at work or arising from work, you, like all workers, have a right to make a claim for workers compensation.

This factsheet explains what workers' compensation is and some key things you must do if you want to make a claim.

WHAT IS WORKERS' COMPENSATION?

If you have been injured or made sick at work or due to work, workers compensation provides compensation for your loss of income, medical and rehabilitation expenses and can include a lump sum to compensate you for any permanent impairment arising from the injury or disease. Return to work plans ensure you, your employer and your healthcare providers work together to support you to return to work safely when you are ready.

The aim of the system is wherever possible to help you to recover and return to work which comes with financial and other benefits for you. This information has been adapted from factsheets written by Safe Work Australia which you can find here: www.safeworkaustralia.gov.au/workers-compensation/resources

GETTING HELP

For support through your workers compensation journey, contact:

- Your workers' compensation case manager
- Your workplace supervisor
- Your workplace Health and Safety Representative
- Your workplace Return To Work Coordinator (if they have one)
- Your workplace HR team
- Your union, if you are a member.

For free and confidential mental health support you can contact:

- Your workplace Employee Assistance Program (EAP)
- Beyond Blue for 24/7 support – 1300 22 46 36
- LifeLine for 24/7 support – 13 11 14

WHAT TO DO

If you are injured at work it is important to:

1. **Report the injury** to your employer as soon as possible – keep a copy of the report form if available.
2. **Consult** your treating doctor.
3. **Obtain a Workers' Compensation Capacity Certificate** if you require time off work for your injury and/or your doctor believes that you require a reduction in your hours or change in duties because of your injury.
4. **Complete a Workers' Compensation Claim form.**
5. **Submit the claim form and Workers' Compensation Capacity Certificate.** In some states the form goes to your employer, and in others it goes to the insurer. Check with the worker's compensation authority in your jurisdiction.
6. **Keep a copy** of the claim form and the Workers' Compensation Capacity Certificate for your records.
7. **Follow your treatment** plan and attend your medical appointments.
8. **Complete activities** approved by your doctor that help you recover and get back to work – these may be suggested by your doctor, employer or insurer.

WHAT YOUR EMPLOYER MUST DO

- In a jurisdiction where the claim form goes to your employer, they must lodge your claim with their insurer within a set time.
- Your employer cannot prevent you from lodging your claim. They will liaise with the insurer who will make the decision about your claim.
- Your employer cannot sack you for making a workers' compensation claim.
- Your employer is required to provide suitable duties (such as different hours or tasks) to support your return to work, and to do everything needed to help you recover.

If you do not feel your employer is doing what is needed, reach out for help. Options include your doctor, case manager and your union.

WHAT THE INSURER WILL DO

The insurer will review the claim documents and make a decision. They may require further information, which could include:

- Information from your treating healthcare provider.
- Asking you to attend an Independent Medical Examination, which is an appointment with a doctor or healthcare provider to assess your condition.

Each jurisdiction has a different timeframe for claim decisions. Within this timeframe the insurer will send you a letter advising whether your claim is accepted or rejected. While most claims are accepted, especially physical claims, psychological claims often have a higher rejection rate due to the need to meet additional legislative requirements.

If the claim is rejected you can ask for the decision to be reconsidered.

If the claim is accepted the insurer will assign you a case manager to be your main point of contact. The case manager will advise and guide you through the claim process and communicate with you, your employer and your healthcare providers to develop an agreed recovery and return to work plan.

FURTHER INFORMATION

The It Pays To Care website has a list of key contacts for workers who have been injured including workers' compensation authorities, mental health services and financial support services. Visit www.itpaystocare.org/workers/worker.

It Pays To Care publishes independent information for everyone involved in work injuries, from workers to employers to insurers and regulators.

Please note that It Pays To Care not a support service.