

# Worker rights and responsibilities after a workplace injury

KEY  
INFORMATION  
FOR WORKERS

## YOUR RIGHTS

When it comes to workplace injury, your rights depend on where you are in Australia. This is because each jurisdiction has its own laws about workers' compensation.

To understand your rights and the laws that apply to your situation, call or visit the website of the workers' compensation authority in your state or territory. These are listed on the Safe Work Australia website [www.safeworkaustralia.gov.au/workers-compensation](http://www.safeworkaustralia.gov.au/workers-compensation).

However, we know some things are allowed, wherever you work:

1. **All workers are allowed to claim** for injuries that arise from or happen at work. This includes young workers, casuals and part-time workers. There are certain legislative exceptions – check with your work cover authority. Note that for this right to be protected you must notify your employer of the injury as soon as possible and make the claim within a specified timeframe.
2. Workers can make a claim for a **physical injury or a mental health injury**.
3. If your doctor certifies that you are unfit for work and your claim is accepted by the insurer, you will have an entitlement to **compensation benefits**. Depending on your injury or illness, this could include:
  - a. replacement payments for your wages.
  - b. payment for some or all of your medical treatment.
  - c. A lump sum payment if you receive a permanent impairment.
  - d. funeral expenses for workers killed at work.
  - e. other support such as domestic assistance and access to a network of medical specialists and rehabilitation providers.
4. For an ongoing claim, an insurer will usually allocate a **case manager** to assist you with your claim and RTW.
5. There is usually a certain time period an employer must **keep a worker's job open** for them to enable them to return to work post injury.
6. Workers are allowed to return to work gradually under a **Return To Work plan** even if they aren't 100% better.
7. You are allowed to **seek support and advice from others including supervisors, Human Resources or your union** if you are a member.

## YOUR RESPONSIBILITIES

If you are on a workers' compensation claim, you are required to:

1. **Go to your healthcare appointments and follow your treatment plan.**  
This could be physical treatments like physiotherapy or an exercise plan, or mental health treatment like talking to a counsellor.
2. **Get Work Capacity Certificates regularly** from your GP and give them to your manager. These are different to standard medical certificates.
3. **Work with your doctor and manager** to plan your return to work when you're ready.
4. **Tell your workplace and case manager if anything important changes**, such as:
  - Changes to what you can or can't do.
  - Planned surgery.
  - Getting much better or worse.

## GETTING HELP

For support understanding your rights and the workers compensation process, you can contact:

- The workers compensation body in your state/territory.
- Your insurer and/or case manager
- 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

### DEALING WITH NEGATIVITY

If people make negative comments remember that making a claim is your right, and your workplace should keep your medical details private. Keep notes on any unfair treatment or bullying and report it to your employer if comfortable and safe to do so, otherwise speak to your union.

You can also talk to your GP or case manager for referral to other mental health supports such as a psychologist.

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](http://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.**