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Knowledge is power. Keep your colleagues informed by printing this newsletter to put up on your workplace noticeboard.

MAKING A WORKCOVER CLAIM

BY JAMES CASEY, SLATER AND GORDON PRINCIPAL LAWYER

What is WorkCover?

WorkCover is a compulsory insurance that covers all Victorian employees involved in a workplace-related injury or illness regardless of who is at fault, and is usually referred to as workers compensation.

In Victoria, the WorkCover scheme is managed by the state's health and safety regulator, WorkSafe Victoria.

I've been injured or suffered an illness as a result of my work – what can I do?

If you've suffered an injury or illness you think might be related to your work, then you may be entitled to claim workers compensation. This can be a difficult and stressful time, and you may be overwhelmed by the process. We have pulled together some steps to take to help you understand your entitlements, how to make a WorkCover claim, and what to do if things don't quite go to plan. Suffering an injury or illness during the course of your work can be an extremely distressing time. Not only are you having to deal with the negative impact that your injury has on your health and well-being, you may also have to take time off to recover. This alone can be particularly stressful, especially if you are the sole or majority income provide in your household. The good news is, you might be entitled to compensation and other benefits to help you recover from your injury to help get you back to work. Benefits and entitlements include:

- Loss of income (in the form of weekly payments)
- Medical expenses
- Rehabilitation services
- Lump-sum compensation
- Legal costs

Making a WorkCover claim

These steps will help you to make a WorkCover claim:

1. See your doctor for treatment and provide your doctor with the details about how you were injured.
2. Report the injury to your employer. This must be done in writing within 30 days of becoming aware of your injury.

You can report the injury by making an entry in the accident book or the register of injuries at your workplace. By law, every employer must have an injury book. As an alternative, you can report the injury by lodging a claim for compensation with your employer.

If you don't notify your employer in writing within 30 days of becoming aware of your injury, your claim may not be accepted.

3. If you don't need to take any time off but you want WorkCover to pay for the medical expenses you incur because of your injury, you should lodge a WorkCover claim form with your employer, and attach any accounts or invoices relating to your medical treatment.

If you do need to take time off work because of your injury, the WorkCover claim form must be accompanied by a Certificate of Capacity, which will need to be completed by your Doctor. Your Certificate of Capacity should be attached to your WorkCover Claim at the time of submitting your claim to your employer.

Where do I get a WorkCover claim form?

- Your local Post Office
- Your Doctor
- WorkSafe Victoria

Note: A WorkCover Certificate of Capacity is different from a Medical Certificate. If your WorkCover claim is submitted without a Certificate of Capacity or with a Medical Certificate not in the prescribed form, the outcome of your claim may be delayed or rejected.

4. Once you have lodged the WorkCover claim form with your employer, your employer has 10 days to forward your claim to their WorkCover Insurer.
5. The WorkCover Insurer then has a further 28 days to advise you whether or not your claim has been accepted. During this time, the WorkCover Insurer is also likely to arrange for you to attend an Independent Medical Examination to assist in making its determination of your WorkCover claim. You must attend this appointment so as to not delay the outcome of your claim being determined, or you risk your claim being rejected.

CALL 1300 651 931 **FAX** 03 9650 8122 **EMAIL** hacsu@hacsu.asn.au **MAIL** PO Box 206 Carlton VIC 3053

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AUTHORISED BY LLOYD WILLIAMS, STATE SECRETARY

6. If your claim is rejected or if you have not received a response to your claim from the WorkCover insurer, you should contact HACSU within 60 days of receiving the WorkCover insurer's decision in writing. HACSU can then arrange a referral to Slater and Gordon for you to access legal advice from one of our highly experienced WorkCover lawyers. We have offices across Victoria and will make every effort to arrange an appointment at a location most convenient for you.

About the Author: James Casey is a Principal Lawyer of Slater and Gordon's Workers Compensation team in Melbourne and he has worked at the firm since 2007. James is passionate about helping people get the justice, compensation and support they need and deserve. He is also a devoted Collingwood supporter.

Slater and Gordon have proudly served HACSU and its members for many years, and as a HACSU member, we provide discounted legal services and benefits in the following areas:

- Workers Compensation
- Motor Vehicle Accident Claims
- Asbestos Claims
- Superannuation and Disability Claims
- Medical Law
- Public and Product Liability
- Estate Litigation
- Industrial and employment law

We also offer exclusive services to HACSU member in the following areas:

- Wills and Estate Planning
- Family Law
- Criminal Law

To access these discounted services*, contact HACSU today who will arrange a referral to Slater and Gordon.

**Conditions apply. See www.slatergordon.com.au for details.*