



WorkCover Tasmania - your plain English guide to workers compensation

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Making a workers' compensation claim can be a confusing process, especially if you've never done it before. But it's also a very important step to take to ensure your rights are protected in the unfortunate event you are injured at work. In this post, we set out some important tips and things to remember when making a WorkCover claim in Tasmania.

Who can claim workers compensation in Tasmania?

If you're a worker in Tasmania, there is a good chance that you would be entitled to claim workers compensation in the event of a workplace injury.

Most workers in Tasmania are covered under the *Workers Rehabilitation and Compensation Act 1988* (**the Act**). There are some groups of workers who come under the national "Comcare" scheme. These include:

- The Commonwealth Government;
- Australian Government authorities (such as Australia Post);
- A small number of large businesses (such as Telstra).

The Act defines a worker as a person who is engaged in a contract to provides services, or a training contract. The contract does not need to be in writing. It can be a verbal agreement, for instance. Some volunteers, including volunteer firefighters and ambulance officers, are also considered to be workers.

How do I make a claim? The first steps

There are two steps to making a workers' compensation claim in Tasmania.

The first step is "notice" - telling your employer you're suffering from an injury or illness.

The second is making a "claim" - filling out a physical claim form and obtaining a workers compensation medical certificate.

Step #1 - Notice

Notice is a really important step and one which can have major consequences for a claim. Notice is notifying your employer, **not** completing your claim form.

Under Tasmanian law, a worker who suffers an injury at work should give notice to their employer as soon as possible. Workers should be aware of what the process is to report an injury or incident in their workplace.

Where possible, it's always best to report the incident by completing a detailed incident report. We also recommend you keep a copy.

If you are unable to complete a formal incident report or your employer does not have a form to do this or an internal procedure for reporting your injury, then it is important that you report the incident to your employer via email or even text message. It is critical that your employer is aware of the incident as soon as practicable and that you have a record of how and when it was reported.

Step #2 – Completing and lodging your workers' compensation claim

The next step is to get a copy of a "Worker's Claim for Compensation" form.

Having trouble with your claim? Give us a call
for advice - [03 6215 8100](tel:0362158100)

This form is normally provided by your employer. If your employer cannot or will not provide you with a form, you can download it from the [WorkSafe Tasmania website here](#).

A claim form needs to be completed and given to your employer within six months of your injury, but it's best to do so as soon as possible after the injury.

If you are making a claim outside of this six-month time limit, you will likely be asked to provide reasons why your claim is being lodged late.

Reasons for making an out of time claim which may be valid include:

- You did not know you had a workplace injury;
- Your employer knew you were injured but did not tell you that you had the right to make a claim;
- Serious illness or incapacity which prevented you from making a claim.

Generally, payments and medical benefits can be backdated up to 14 days but not further, so it is important to make a claim as soon as you can.

Once you have completed your claim form, you need to take it to your treating doctor (usually your GP), who will need to complete a “workers compensation medical certificate”. This is a special type of medical certificate which must be completed by the GP using the prescribed form.

You must lodge your completed WorkCover claim form together with your workers' compensation medical certificate with your employer. We recommend that you do this in person or electronically if possible. Remember to keep a copy of your claim form.

What happens once your claim is lodged?

Once your claim has been lodged, if you are unable to work, or unable to work your full hours, you should start to receive workers compensation payments within 14 days.

At this point, you will normally receive a letter from the employer confirming that you have made a claim. If your employer has a workers compensation insurer, you may receive a letter from the insurer instead.

The employer (or their insurer) will take steps to establish whether or not they are going to “accept” or “dispute” a claim. You might be asked further questions about your claim or asked to attend an examination with an independent doctor.

While the employer/insurer is making this decision, you should be paid and have your reasonable medical expenses met, up to a value of \$5,000.00.

For the duration of your claim (while you cannot work or cannot work your full duties or full hours without restrictions), it's important to make sure your medical certificates are up to date. They must continue to be accurate in terms of your ability to work and any restrictions that you might have.

If your claim is accepted

The employer/insurer has 84 days to make a determination to accept or reject your claim.

If your claim is accepted, it's important that you remember to take the following steps:

- You continue to lodge up-to-date medical certificates as long as you have restrictions on your hours or duties;

- Ensure that you always work within any restrictions (which could be duties and/or hours) prescribed by your doctor; and
- inform your employer/insurer and your doctor if you have a flare-up or deterioration in your injury.

If your claim is disputed or rejected

If your employer/insurer disputes your claim, they will provide you with paperwork setting out the reasons why your claim is being disputed.

Claim rejected and you're not sure what to do.

Call us for help - [03 6215 8100](tel:0362158100)

The Workers Rehabilitation and Compensation Tribunal will then list the dispute to be determined, usually within about two or three weeks.

If your claim is, or has been disputed, you should seek legal advice **prior** to the dispute being heard. Contact us for a free initial consult – [03 6215 8100](tel:0362158100).

What compensation might I be entitled to?

Depending on the type of claim, you may be entitled to compensation for:

- weekly wages and associated medical benefits;
- loss of past and future earnings;
- past and future hospital and medical expenses (including surgical costs);
- whole-person impairment as a result of the injury;
- ongoing or future anticipated rehabilitation and treatment expenses;
- out of pocket expenses for items such as pharmaceutical, travel and equipment; and
- paid care and help, for example, yard maintenance or nursing.

Finishing a claim: don't get cleared early

Sometimes workers, employers, or insurers will be eager to finalise a workers' compensation claim by getting a final certificate or "clearance" to return to normal duties.

Getting cleared to return to work, or to return to full duties before you're ready can have serious consequences.

If you're considering getting a final certificate, talk to your doctor about what this means for your health. If you're unsure about what to do next, we recommend you contact our office for a free initial consult – [03 6215 8100](tel:0362158100).

In conclusion: know your rights!

Injured workers have significant rights under the Tasmanian WorkCover scheme but it is important to understand those rights. Making sure you're informed every step of the way is an important way to ensure you get the most out of your workers' compensation claim.

Get help from a worker's compensation lawyer

You can contact us by phone or email to arrange your consultation; either face-to-face at one of our offices, by telephone or by videoconference consultation.

Phone: [1800 659 114](tel:1800659114)

Email: general@hallpayne.com.au

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