What you need to know
Workers' compensation

Understanding workers' compensation entitlements and the associated claim process can be overwhelming. To help, we've created a guide to the most commonly asked questions about making a claim.

1 Who can claim workers' compensation?

Members may be entitled to claim benefits under workers' compensation if they're:

- injured at work, or during the course of their work
- injured on their way to or from work, or during a break from work, or
- working full time, part time, casually or on a contract.

Tip: If members are not covered by workers' compensation, they may have entitlements under other areas of law. Maurice Blackburn can provide advice about these entitlements.

2 What injuries are covered?

All types of injuries are covered by workers' compensation, including:

- physical injuries
- psychological injuries
- 'wear and tear' or repetitive strain injuries sustained over a period of time
- hearing loss, and
- aggravations of pre-existing conditions.

3 What benefits are available?

Payments are available to all injured workers, regardless of who caused their accident or injuries, including:

- loss of wages:
  1. first six months — 85% of their usual net weekly earnings
  2. between seven months to two years — 75% of their usual net weekly earnings, and
  3. after two years — varies depending on the severity of the member's injuries.
- medical, surgical and hospital expenses
- travel expenses
- rehabilitation treatment, including prescriptions and over the counter medications, treatment and consultation fees, and rehabilitative aides such as braces and supports
- return to work support, and
- compensation for permanent impairment.

Note: Members should never simply accept the advice of the insurer's doctor that they're fit for work. Members should always consult with their own treating doctor and be guided by their recommendation.

4 Are there time limits?

Yes. Different time limits apply at various stages during the claim process:

- six months from when the injured member first saw a doctor
- three years for common law claims
- in some circumstances, extensions to time limits may be granted. Members should contact Maurice Blackburn for advice.

5 How do members claim statutory benefits?

To lodge a claim for statutory benefits, members should:

- report the injury to their employer as soon as possible
- attend their own doctor (not a doctor specified by their employer) to obtain a Workers' Compensation Medical Certificate
- lodge claim online, over the phone; or if self-insured with their insurer directly. Members can obtain a copy of the form from **worksafe.qld.gov.au** or by calling 1300 362 128, and
- retain all documentation in relation to their injury and their application.

Once a member has lodged their Application for Compensation the insurer has 20 business days to either accept or reject their claim for statutory benefits.

Warning: It's illegal for a member's employer to tell them not to make a claim. Members should never accept money from their employer in place of lodging a compensation claim.

Note: A permanent offer is made in a Notice of Assessment (NOA). Members should not respond to the NOA without first seeking urgent legal advice from Maurice Blackburn. Short time frames apply and a member's response can affect their other entitlements.

6 What if a member's claim for statutory benefits is rejected?

If the insurer rejects a member's claim for statutory benefits it can be reviewed by the Workers' Compensation Regulator. Members have 3 months to do this. Members should seek legal advice before lodging their Application for Review.

7 Can members claim for Common Law Damages?

If a member's accident was caused by the fault of their employer they may be able to claim Common Law Damages, even if the member was also partly responsible. A damages claim includes compensation for:

- pain and suffering
- loss of enjoyment of life
- loss of income (past and future)
- loss of superannuation (past and future)
- medical and rehabilitation expenses (past and future), and
- paid care and assistance provided to you (past and future).

8 What is the Common Law process and how long will it take?

The Common Law process is usually simple and relatively informal, resulting in a settlement conference where most claims are resolved. This usually occurs within 12 months after a permanent impairment assessment.

Our Queensland offices

Brisbane	07 3016 0300	**Ipswich**	07 3280 7100
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Cairns	07 4051 3233	**Sunshine Coast**	07 5430 8700
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Visiting offices

We have offices across regional Queensland where a lawyer can meet you by appointment. In some cases, we can come to you. We also offer online consultations.

Visit our website or call us to find your nearest office.

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