

WORKERS REHABILITATION & COMPENSATION ACT 1988

The Workers' Rehabilitation and Compensation Act 1988 provides for the rehabilitation and compensation of Tasmanian workers in respect of work-related injuries and diseases.

COMPENSATION

You are entitled to claim compensation if you suffer an injury or disease that arises out of and in the course of your employment (in the case of diseases, your employment must be the major or most significant contributing factor). In the following text, 'injury' includes 'injury or disease.'

You can also be compensated for injuries that happen while you are travelling on business, for your work; or travelling to and from any educational or training establishment that you have to attend for your work.

TELLING YOUR EMPLOYER

You must tell your employer as soon as possible after the injury occurs, and while you are still at work (unless you have no choice — for example, if you are taken away in an ambulance). This is giving 'notice of injury'.

You may give notice of injury by speaking or writing to your employer, or a person your employer names for the purpose, or a person who supervises your work. If there is more than one employer, you do not have to tell them all — one is enough.

The notice of injury must include the name and address of the person injured, the type of injury, the date it happened and how it happened.

CLAIM FOR COMPENSATION

If you claim compensation, you must do it on the correct form. (Your employer should have them.) You must also attach a workers' compensation medical certificate from an accredited doctor. A claim is not valid until both documents are with your employer.

You may hand the claim to your employer or a person your employer appoints for that purpose. If there is more than one employer, the claim may be given to one of them.

You may also post your claim, in a properly-addressed envelope, to your employer's usual or last-known business address or home address.

A claim should be made within six months of injury, or in the case of death, within six months of the date of death. In the case of death, the claim may be lodged by the legal representative of the deceased worker or by the worker's dependants. If you make a mistake, or you are out of the state, or have some other good reason for failing to make a claim within six months, you might still be allowed to claim.

DISPUTED CLAIMS

Your employer has 84 days from receiving a claim to formally dispute liability to pay compensation.

How are disputes or questions relating to workers compensation claims resolved?

Any query regarding workers compensation may be directed to Workplace Standards Tasmania which operates a free information and assistance service through its Helpline.

If agreement cannot be reached, a dispute may be referred to the Tribunal for determination.

WEEKLY PAYMENTS

After lodging a claim for compensation your employer is obliged to start making weekly payments within 14 days from the date they receive the claim, or no later than the next pay day (if that is more than 14 days after the claim is received). In the event that the claim is to be disputed these payments are made on a "without prejudice" basis and must continue until either the claim is accepted or the Tribunal finds that there is a genuine dispute.

If you are entitled to compensation as a result of an injury, your first

payment should be the same as your normal weekly earnings over the 12 months before the injury, or your ordinary time rate of pay for the work you were doing immediately before you were injured — whichever is the larger sum.

Weekly payments are made as follows:

100% of the weekly payment for the first 13 weeks of the period of incapacity following the date of the initial incapacity

85% of the weekly payment for the period of incapacity exceeding 13 weeks but not exceeding 78 weeks

80% of the weekly payment for the period of incapacity exceeding 78 weeks but not exceeding 9 years from the date of the initial incapacity.

There is a limit to the amount a weekly payments that can be made, which is set at 9 years from the date of initial incapacity. Weekly payments may continue until this limit has been reached, as long as the medical certificate states that the incapacity continues.

INJURY MANAGEMENT

If your employer has more than 50 workers they are required to appoint a person to be the rehabilitation coordinator.

Your employer is also liable for any medical or other expenses incurred as a result of your injury, and must either pay these expenses within the relevant timeframes specified in the Act or formally dispute liability to pay them through the Tribunal.

If your employer, or the licenced insurer, send you for a medical examination in connection with your claim they must provide your treating GP with a copy of any medical report they receive.

REHABILITATION

Rehabilitation means getting you back to a fit state for work. In some cases this may mean returning to a different job. If you are an injured worker, your employer has a responsibility

to provide rehabilitation in the following way:

- To make employment available to you for 12 months unless there is good reason for not doing so.
- To provide suitable alternative duties for you for 12 months unless it is not practical to do so.
- To prepare a return-to-work plan for you if you are off work because of injury for 14 days or more. This plan must be worked out with you within five days of the 14-day limit being reached.
- To prepare and display a rehabilitation policy in a prominent position at each worksite. This requirement exists where there are more than 20 workers employed in Tasmania.

You also have a responsibility to take part in rehabilitation programs provided for you.

WORKERS' RIGHTS TO INFORMATION

You are entitled to obtain details of your employer's workers' compensation insurance policy, and to view the policy.

FURTHER INFORMATION

For further information contact Workplace Standards Tasmania on 1300 366 322 (inside Tasmania) or (03) 6233 7657 (outside Tasmania).

Fax: (03) 6233 8338

Email: wstinfo@dier.tas.gov.au

Net: www.workcover.tas.gov.au

This poster satisfies the requirements of section 152 of the Act. However, it is a summary and it should be read in conjunction with the *Workers Rehabilitation and Compensation Act 1988* and any other relevant legislation. Copies of this legislation can be purchased from the Printing Authority of Tasmania, call (03) 6233 3289 or freecall 1800 030 940. It is also available on the Internet at www.thelaw.tas.gov.au

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