

Workers Compensation and Rehabilitation - Questions and Answers

The OH&S Unit has responsibility for the management of workers compensation claims and the rehabilitation of injured employees.

A number of commonly asked questions are outlined below with general answers which can be used as a guide for employees in relation to workers rehabilitation and compensation matters. Further information can be obtained from Mrs Pip Rose on 6324 3275.

Information About Workers Compensation

Entitlement to Workers Compensation

If you suffer or aggravate an injury at work you may be entitled to Workers Compensation. Similarly, if you contract a disease for which work has been the major or most significant factor, then you may be entitled to compensation.

Insurer Details

The University is currently insured with Allianz Australia Insurance Ltd.

Who Can Claim?

All casual, fixed-term and permanent employees of the University are eligible to claim for Workers Compensation, whilst contractors and students are not. If a student has an injury on campus they should contact their Student Association/Union for assistance.

Making a Claim

Q How do I make a claim for workers compensation?

A Step 1 - Report any injury to your supervisor as soon as possible.

Step 2 - Obtain a blue workers compensation certificate from your doctor.

Step 3 - Obtain a workers compensation claim form by phoning Mrs. Pip Rose on ext 3275

Step 4 - Complete and lodge the claim form and the blue medical certificate with the Occupational Health & Safety Unit. You should also complete an Incident Report Form and attach it to your claim.

Once these documents have been received by the Occupational Health & Safety Unit you have lodged your Workers Compensation claim. At this stage the University will forward your claim to the Insurer and write to your Head of School/Section to advise that you have lodged a Workers Compensation claim.

Acceptance of Claims

Q When will I know if my claim has been accepted?

A The University must commence payments of compensation regardless of whether it accepts your claim. Once the claim has been accepted we will write to you informing you that your claim has been accepted. The University has a maximum 84 days from the time that you lodge your claim to dispute liability for the claim.

Disputed Claims

Q Why would the University dispute my claim?

A There are a number of tests which must be met for a workers compensation claim to be valid under the Act. If your claim is disputed, the formal notice of dispute will specify the test or tests where the Insurer/University believes that your claim has not met those tests.

Q What happens if liability for my claim is disputed?

A You will receive notification in writing that liability for your claim is disputed. The reasons for this decision will also be given.

Due to the requirements of the Workers Rehabilitation and Compensation Act this notification will normally be hand delivered or posted by certified mail. The matter must then be referred to the Workers Rehabilitation and Compensation Tribunal for determination.

Q What happens next?

A The Tribunal will convene a hearing before a Commissioner to determine whether the University has a reasonably arguable case to dispute the claim. Both you and a representative from the University and its Insurer are required to attend this hearing.

Q Can I be represented at the hearing?

A The Commissioner has discretion to allow you to be represented at the hearing by a person of your choice.

Q Will I have to speak at the hearing?

A Even if the Commissioner allows you to be represented, you may still have to answer questions. However, it is normally the case that the University and its Insurer do most of the talking as it is they who must justify their action.

Q How long does the hearing last?

A The hearing is only of short duration. Usually it is over within thirty minutes.

Q How long does the Commissioner take to make a decision?

A Normally, the Commissioner makes a decision at the end of the hearing.

Q What happens then?

A The Commissioner has to decide whether the University has a reasonably arguable case to dispute your claim. Effectively, the University is required to demonstrate that it has a reasonable case that your claim does not meet the requirements of the Act.

If the Commissioner decides in favour of the University then it is no longer required to make payments to you. The unsuccessful party is then at liberty to apply for a full hearing into the matter where doctors and witnesses can be called to give evidence. Such a hearing may take some weeks or months to arrange and may last for a day or longer.

Your Entitlements

Provided that your claim has not been successfully disputed, you are entitled to the following:

1. Wage payments calculated at the rate of your normal weekly earnings.
2. Payment of reasonable expenses for medical services provided to you.
3. Payment of your reasonable expenses for travel to and from medical services.
4. A lump sum payment if you have suffered a permanent disability.

Q How do you calculate my normal weekly earnings?

A Normal weekly earnings are equal to the ordinary wage rate you were earning immediately prior to your injury or the rate equivalent to your average earnings over the twelve months immediately prior to your injury, whichever is the greater.

In most cases overtime will not be included in the calculation of Normal Weekly Earnings unless it is a requirement of your employment contract and is worked to a regular and established pattern which was substantially uniform and would have continued should you not have been incapacitated.

Q Can my normal weekly earnings be reduced?

A Under the Act, normal weekly earnings are stepped down after periods of incapacity according to the following scale:

- (a) 100% of normal weekly earnings is paid for the first 13 weeks of the period of incapacity following the date of the initial incapacity;
- (b) 85% of the weekly payment for the period of incapacity exceeding 13 weeks but not exceeding 78 weeks from the date of the initial incapacity;
- (c) 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.

You will be advised in writing of step downs to your Workers Compensation payments prior to their commencement.

Q What happens to the level of my workers compensation payment if there is an Academic or General Staff Agreement increase in my normal classification?

A Your workers compensation rate is increased by the same amount as the increase in your normal award classification.

Q For how long can I continue to receive payments of workers compensation?

A Wage payments are made for a maximum period of 9 years of incapacity while medical accounts are paid for a maximum period of 10 years from the date of your claim for compensation.

Q What do I do with my medical accounts?

A Any medical accounts should be forwarded to the Occupational Health and Safety Unit who will arrange payment with the University's Insurer. If you have already paid your medical account you must not claim it on Medicare. Simply send your receipt to the Occupational Health and Safety Unit who will arrange for you to be reimbursed.

Choice of Doctor

You are free to choose your own doctor provided they are accredited with the Workcover Board of Tasmania. The University does not have its own doctor for workers compensation purposes.

Medical Reviews

If your absence is an extended one, the University may arrange for you to be medically examined by a specialist/s of its choice. This is a standard procedure and gives us a second opinion on the appropriateness of your treatment and rehabilitation. If you are asked to attend such a review it in no way implies that we doubt the genuineness of the injury.

Submission of Medical Certificates

It is important that you submit medical certificates to the Occupational Health and Safety Unit as soon as the previous one expires. If you do not take this action, you may not be paid on time. Wherever possible you should provide the Occupational Health and Safety Unit with your medical certificate one week before each payday as this will assist in ensuring that you receive the correct amount of payment. If you have not submitted a certificate for more than 14 days, your entitlement to compensation will cease and your next certificate is treated as a new claim.

Rehabilitation

The University has a strong commitment to rehabilitation of injured workers. Our Occupational Health and Safety Unit staff are well trained in rehabilitation procedures and will be in contact with you and your doctor to discuss the possibility of a return to work on restricted duties. It is a legal requirement that we produce a return to work plan if it appears likely that you will be incapacitated for more than 14 days.

We also make use of external rehabilitation specialists in complicated or long term cases. Further information on rehabilitation is available from the Occupational Health and Safety Unit.

Return to Normal Duties

Before returning to normal duties you should obtain a certificate from your doctor clearing you for normal duties.

Journey Accidents

Journey accidents involving an employee travelling to and from their normal workplace are not compensable under Workers Compensation. However if you are injured while travelling on behalf of the University eg between campuses then your injury will be compensable.

Meal/Rest Breaks and Sporting Activities

Injuries occurring during a temporary absence from work (eg lunch break) or during a social or sporting activity are not compensable under Workers Compensation except where the employee's involvement in the activity is at the direction of the employer and forms part of the employee's employment.

Additional Information

If you have any further questions regarding Workers Compensation you should contact Mrs Pip Rose on ext 3275.