

WORKERS' COMPENSATION -

INFORMATION ABOUT THE INITIAL CLAIMS PROCESS UNDER THE TASMANIAN WORKERS REHABILITATION AND COMPENSATION ACT 1988

If you are injured at work or in the course of working for your employer:

1. Notify your employer of the injury as soon as possible and ask for information about your right to make a workers' compensation claim;
2. See your doctor to get a workers' compensation certificate if you need time off work or medical treatment or to make a claim;
3. Make a workers' compensation claim within 6 months of injury (although you may still be able to make a claim after that time depending upon your circumstances and you should seek legal advice about this).

If you make a workers' compensation claim, while it is considering your claim:

1. The employer must continue to pay your normal weekly earnings (weekly benefits) for any time you have off work and pay your medical expenses up to a limit of \$5,000 (unless the employer the employer says the expenses are unreasonable or unnecessary and refers the expenses to the Tribunal within 28 days of receiving the account);
2. The employer has 84 days in which to investigate your claim. You may have to attend a medical examination if the employer or the insurer request it. You do not have to provide a statement to your employer or their investigator.

If your employer and the insurer accept your claim:

1. Keep providing medical certificates to your employer until you are cleared by your doctor as being fit for pre-injury duties;
2. Provide your receipts for invoices for medical and associated expenses to your employer.

If the employer/insurer disputes liability for your claim:

1. The employer must notify you of their intention to dispute your claim and provide you with the grounds of dispute in writing within 84 days of you making the claim;
2. The employer must ask the Workers Rehabilitation & Compensation Tribunal to order that there is a reasonably arguable dispute about your claim and provide the Tribunal with evidence of that dispute. This is called a section 81A referral. The employer must provide you with a copy of the referral and all the evidence it is relying upon before the hearing.

If you receive a Section 81A referral:

1. You should seek legal advice;
2. You can attend the hearing by telephone and put your arguments to the Tribunal as to why your claim should not be disputed. However, at a Section 81A referral the Tribunal is only concerned with whether the employer has a reasonably arguable basis to resist your claim. The Tribunal is not allowed to make findings on disputed facts or medical evidence – this comes at the next stage if you pursue your claim and lodge a Section 42 referral.

If the Tribunal makes an order after the Section 81A referral hearing that the employer can stop paying you weekly benefits and medical expenses and you want to proceed with your claim for compensation:

1. You should seek legal advice;
2. You can file a referral under Section 42 of the Act and provide the Tribunal with your own evidence, including medical evidence, supporting your claim for compensation.