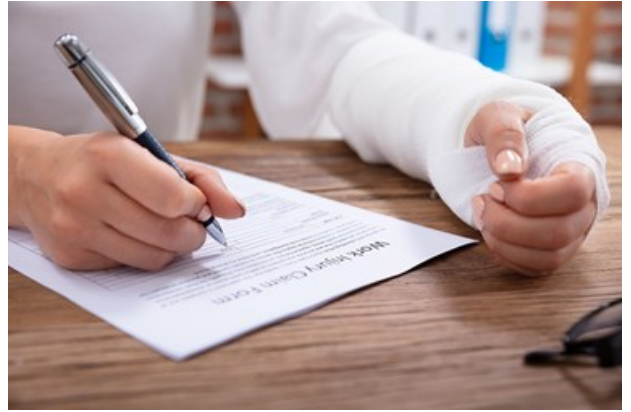




WorkCover claims and how to complete a Worker's Injury Claim Form

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If you have been injured at work, you have a right to lodge a WorkCover claim to cover medical and like expenses, [lost wages](#), [lump sum compensation](#) entitlements and potentially common law entitlements for pain and suffering and economic loss if your injuries were caused by someone else's fault. The starting point for any WorkCover claim is the [Workers' Injury Claim form](#). The claim form is a crucial part of the evidence surrounding your claim. To give your WorkCover claim every chance of success, it is important that the Workers' Injury Claim Form is completed correctly.

The claim form is divided into six sections that need to be completed honestly and accurately.

Worker's personal details

The first section of your Workers' Injury Claim Form refers to personal details. You also have the option to elect whether or not you wish to receive correspondence from WorkSafe by electronic means such as email and SMS or alternatively by way of post.

Also, you should advise if you require an interpreter or if you have special communication needs due to any disability.

Incident and worker's injury details

The second section of your Workers' Injury Claim Form requires you to provide information concerning the circumstances of the incident that caused your workplace injury and details of the injury itself. It is important that this section is completed succinctly and accurately to increase the chances of a successful WorkCover claim. The most important sections to focus on are:

What is your injury/condition, and which parts of your body are affected?

This should be completed very directly. You do not need to go into detail here.

For instance, if you have injured your back but do not have a formal diagnosis, you should write “back injury.” If you have a psychological injury, you should write “psychological injury – brain.”

Remember, you are not a treating doctor and do not have to provide a precise diagnosis.

What happened, and how were you injured?

This section has long-lasting implications for your WorkCover claim as it will be looked at to determine if your injury occurred in negligent circumstances. This is a key factor in your eligibility to make a [WorkCover common law claim](#).

If you have a physical injury that was caused by repetitive work practices, such as lifting, bending, twisting or bullying and harassment, you should write this.

If your injury occurred as a result of a discreet accident, you should note this. Such as “assaulted at work” or “lifting heavy boxes.”

What task/s were you doing when you were injured?

The answer to this question should be brief and could be as simple as “undertaking standard duties in the workplace.”

Providing long-winded details can lead to ambiguity and misinterpretation of the circumstances surrounding your WorkCover claim.

What was the date and time the injury/condition occurred?

You need to pay particular attention to this answer.

If your injury occurred on a specific date and time, this should be noted.

If, however, your injury occurred over a gradual period of time, such as a physical repetitive manual handling injury and psychological injury caused by repeated bullying and harassment, then you should record that your injury occurred “by way of gradual process” or “over the course of employment.”

Have you previously had another injury/condition or personal injury claim that relates to the injury condition?

This section must be completed carefully. If you are unsure how to word this section, you should seek legal advice from a lawyer experienced in WorkCover claims.

If you have had a previous psychological or physical injury, this should be noted, along with the relevant claim number if you have had a previous WorkCover claim.

[Free advice to find out where you stand: 1300 700 761](#)

Worker's employment details

The third section of the Workers' Injury Claim Form requires that you state who was paying your wages when you were injured.

Particular attention needs to be given to answering this question if you were employed by a labour-hire company and seconded to a workplace. In this situation, your employer is the labour-hire company, not the company where the injury occurred.

Worker's primary earning details

The fourth section of the Workers' Injury Claim Form requires you to list your primary earning details. If you were employed on a permanent basis, then this section is fairly straightforward to answer.

However, if you received a total salary that includes a motor vehicle, travel allowance, shift allowance, bonus or accommodation, make sure you provide these details.

Also, if you were a casual worker, be sure to provide the hourly rate and payslips for the employer where the injury occurred, as well as any other employers you were working for at the same time or in the lead-up to your injury. The insurance company is required to calculate your weekly payments based on all earnings at the time of the injury, not just the earnings received from the employer where the injury occurred.

Treatment and return to work details

The fifth section of the Workers' Injury Claim Form is fairly straightforward and asks you to provide information concerning your treating health practitioners.

You also need to provide information concerning if you have returned to work with your injury employer or a new employer.

You are also asked that if you have not returned to work, do you think that there are any issues that would delay or prevent you from returning to work? If you are unable to return to work due to your injury, you can simply write "unable to return to work due to injury."

Authority to release medical information and worker's declaration

The final section of the Workers' Injury Claim Form is an authority and declaration. By signing this form, you are declaring that the information you have supplied and any attachments are true and correct to the best of your knowledge.

You are also acknowledging that by signing the form, you understand that making a false or misleading claim is punishable by law.

Finally, you are authorising the WorkCover insurer or employer to request health information from your treating doctors, hospitals or medical service. This authority is valid for the life of your claim. You only need to provide details of medical treatment providers related to your injury.

Why getting a WorkCover lawyer involved can help with your claim

Although completing a WorkCover claim form can initially seem like a simple task, the answers to the questions in the form can have a lasting impact on the success of your worker's compensation claim and your subsequent entitlements.

It is for this reason that it can be beneficial to get a personal injury lawyer, experienced in worker's compensation claims, involved as early as possible to ensure that your rights and entitlements are protected.

At Guardian Injury Law we are experienced at representing people injured at work. We work on a [no-win, no-fee or expenses basis](#) with your first consult free of charge.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

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