



Compensation if injured at the work Christmas party

Author: [Tanya Neilson](#)

Email: tanya@guardianinjurylaw.com.au

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The *Workplace Injury, Rehabilitation and Compensation (WIRC) Act 2013* provides that a worker is entitled to WorkCover compensation for:

'an injury to the worker arising out of, or in the course of, or due to the nature of, employment'.

Office Christmas parties or other work-sanctioned functions and events can be found to be an extension of an employee's role. Therefore, if you are injured at your work Christmas party or another work event, you may be able to claim compensation under the Victorian WorkCover scheme or the federal Comcare scheme. In this blog, we will look at your entitlements if you [lodge a worker's compensation claim under the WorkCover scheme](#).

Types of injuries that may arise out of a work event

Some of the types of injuries that might arise from a Christmas party or other work event include:

- physical injuries due to slips and trips;
- [psychological injuries](#) due to harassment (including sexual harassment) or other untoward conduct from another person in attendance (including the employer, employees, contractors, guests etc);
- injuries caused by the food served, such as severe allergic reaction or salmonella; and
- injuries related to excessive alcohol consumption.

In relation to excessive alcohol consumption, while employees have a responsibility to moderate their own drinking and ensure their behaviour is appropriate, employers also have a reasonability to ensure they serve alcohol responsibly at work events.

If you were injured while intoxicated, it is worth getting advice from an experienced WorkCover lawyer as to whether you are eligible to make a claim.

[Contact us for free advice: 1300 700 761](tel:1300700761)

Injured on the journey home after a work event?

If you are injured on your journey home from the Christmas party or another work function, you may also be able to make a WorkCover claim. This is not always clear-cut. We recommend seeking advice from an experienced WorkCover lawyer about any entitlements you may have.

If you decide to attend another venue after the work function has concluded and you suffer injury there, this is unlikely to be covered by WorkCover.

What potential compensation is available with a WorkCover claim?

If your WorkCover claim is approved by WorkSafe, there are four primary types of compensation you could claim:

Medical and like expenses

A claim for medical and like expenses covers the cost of treatment for injuries and services required following a work-related injury or illness.

Examples of some of the treatments paid for through WorkCover are:

- hospital treatment;
- ambulance cover;
- specialist appointments, including but not limited to physiotherapy, chiropractor, podiatry, osteopathy, exercise physio, optometry;
- medication;
- mental health support.

You may also be entitled to “like” expenses which refer to non-medical type expenses which provide necessary assistance while you recover from your injury. These could include the cost of domestic help (house cleaning and gardening) and travel expenses to attend medical appointments.

Weekly payments of compensation

If you are unable to work as a result of your injuries, WorkSafe can potentially pay weekly payments of compensation while you are unable to perform your pre-injury hours.

In order to claim this sort of benefit, you require a special certificate from your doctor certifying your incapacity to work. This is called a 'Certificate of Capacity'.

The amount of WorkCover weekly payments payable is usually calculated by averaging the worker's earnings over the 52 weeks prior to the workplace injury. A percentage of those earnings is then paid through weekly payments. The percentage depends on how long you require off work to recover. The highest percentage is paid in the first thirteen weeks, at 95% of the worker's average pre-injury weekly earnings.

Lump sum compensation payments

If your injuries are of a more serious nature and expected to last in the long term, you may be entitled to lump sum compensation in the form of either an impairment benefit or a common law claim.

These types of entitlements can potentially be sizeable and are difficult claims to navigate without an experienced WorkCover lawyer.

[Contact us for free advice: 1300 700 761](#)

Further reading:

• [WorkCover lump sum compensation for permanent impairment](#)

• [WorkCover common law claims and serious injury applications](#)

Some tips if injured at a work Christmas party or other work event

1. If your employer was not advised of your injury at the party, ensure you advise them as soon as possible after the event and document it in a register of injuries.
2. Take note of anyone who witnessed the injury occur, as this may assist with your claim later on. If the witnesses are not people you know, ask them for their contact details.
3. When possible, take photos of your injuries and where the injury occurred. These may assist later on when making a WorkCover claim. For example, if you slipped on a spilt drink that had not been cleaned up, take a photo of the liquid on the floor.
4. Keep a log of any medical or other expenses you have incurred before your claim is accepted.

How do I make a WorkCover claim?

In order to make a claim, you need to first complete a Workers Injury Claim Form. This should be submitted to your employer to lodge with WorkSafe. If your employer is refusing to send your claim form to WorkSafe, you can send it directly to them.

If you are unable to work due to your injuries, a Certificate of Capacity from your doctor should be provided with the claim form.

It is important to know that if your claim is rejected by WorkSafe, there are [options to dispute this decision](#) or any adverse decision made in relation to your treatment.

How a WorkCover lawyer can help

The main thing to take away from this is that if you are injured at a work Christmas party or other work function in Victoria, you may be entitled to worker's compensation for both immediate medical and like expenses and lost wages, as well as larger compensation if your injuries are long lasting.

At Guardian Injury Law, we know how stressful an injury can be for you and your family. We will listen to you and advise you on all of your potential entitlements.

Call us to obtain legal advice on a "no win, no fee" basis.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.