



What happens if I am injured at work while on a working visa?

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All workers, including those on a working visa, are entitled to feel safe in the workplace. If you are injured at work in Victoria while on a working visa, you may be entitled to worker's compensation benefits through the WorkCover system. WorkCover benefits assist in covering your medical and like expenses, lost wages, and you may also be entitled to lump sum compensation if you suffer a permanent impairment.

The WorkCover benefits available to workers on a working visa are the same as those afforded to any other worker.

What to do if you are injured at work while on a working visa

Inform your employer of the injury

Notify your employer as soon as you have been injured. This ensures that there is a record of your injury and a first-hand account of what happened to you.

Even if you are not thinking of lodging a WorkCover claim at the time of the injury, having a record of your injury will come in handy in the future.

Upon being notified, your employer will make a record of your injury. Whether they do this online or on hard copy, ensure that you also receive a copy of your injury report for your records.

Seek medical attention

Some injuries are not visible externally or immediately apparent, which is why it is important that you seek medical attention as quickly as possible.

As injuries can deteriorate over time, it is also important that you see a doctor sooner rather than later, as having a detailed record of your injury and the circumstances that surround it when it is fresh in your mind will be beneficial should you proceed with a WorkCover claim.

When recounting your injury to your treater, be sure to tell them that your injury is work-related. Be specific and ensure that your doctor notes down the task you completed at work that caused the injury.

Often, upon reporting your injury to your employer, they may recommend that you be examined by their own medical practitioner. If this happens, you should be aware that you are not required to be examined by anyone recommended by your employer. You are entitled to seek medical attention from a medical practitioner of your choosing.

Obtain a Certificate of Capacity from your doctor

Upon visiting your doctor, make sure they know you are there because of injuries in a workplace accident. You need to get a Certificate of Capacity from your treating doctor and submit this with your WorkCover claim. This certificate acts as a statement from your treater as to the nature of your injury and your capacity to work.

The first Certificate of Capacity will be for a 14-day period, and every certificate after that will be for a 28-day period.

Begin tracking your medical and like expenses

Your worker's workers compensation insurance will compensate you for your medical and like expenses related to your workplace injury.

In order to claim any out-of-pocket expenses associated with your injury, it is important that you keep all receipts relating to your injury, which include those for:

- any medication you have purchased;
- any treatment undertaken;
- appointments you have attended; and

- other services relating to your injury.

Lodge a worker's compensation claim

Once you have your Certificate of Capacity, you need to complete a [WorkCover claim form, which you can download here](#).

To formally lodge your WorkCover claim, you must give a copy of your completed WorkCover claim form and valid Certificate of Capacity to your employer. It is crucial that you keep a copy of all of these key documents for your own records. You should also note the date you provided your claim form and Certificate of Capacity to your employer.

For more information and details about lodging a WorkCover claim, read our earlier blog, ["How to lodge a WorkCover claim"](#).

What happens once my WorkCover claim is accepted

If your WorkCover claim is accepted, you will be entitled to receive compensation for any medical and like expenses related to your workplace injury as well as weekly payments for any loss of income incurred as a result of your injury.

You are entitled to 95% of your pre-injury average weekly earnings for the first 13 weeks of your incapacity.

From 14 weeks to 130 weeks of incapacity, you are entitled to 80% of your pre-injury average weekly earnings.

At 130 weeks, your payments will cease unless you are able to show that your injury persists and you no longer have any current work capacity.

Am I still entitled to receive WorkCover benefits if I return to my home country?

If you choose to return to your home country whilst on WorkCover, your ongoing weekly payments will cease unless your WorkCover insurer is satisfied that you have no current work capacity and will continue to have no current work capacity in the foreseeable future. For the insurer to make proper assessments, you must notify your WorkCover insurer of your intention to leave the country at least six weeks prior to your departure.

With regards to your medical and like expenses, you will be required to see an independent medical examiner (in Australia prior to leaving) who will assess your entitlements to ongoing medical and like expenses. Once you leave Australia, your treating practitioner in your home country will need to seek approval from your WorkCover insurer regarding any future medical and like expenses that you will require for your ongoing injury.

For further reading, visit our earlier blog, ["Entitlement to WorkCover benefits while overseas"](#).

What should I do if my WorkCover claim is rejected?

If you receive notification that your WorkCover claim has been rejected, you may be able to dispute the decision of the insurer.

There are strict time limits for challenging rejected claims, and disputing a WorkCover rejected claim can be complex. It is, therefore, important to have legal representation as soon as possible to assist in your dispute. Guardian Injury Law are experts in WorkCover claims and will ensure you have access to all possible rights and entitlements.

[FREE ADVICE FROM A WORKCOVER LAWYER: 1300 700 761](#)

We can assist you remotely if you have returned to your home country due to your injury and inability to continue working.

You can read more details about rejected claims in our earlier blog, [“What happens if my WorkCover claim is rejected?”](#)

Will I be entitled to lump sum compensation?

If you find that your injuries are permanent and stable you may be entitled to a WorkCover impairment benefit claim.

An impairment benefit claim is a lump sum payment that is separate from other benefits like weekly payments and medical expenses.

Learn more about WorkCover impairment claims in our earlier blog, [“WorkCover lump sum compensation for permanent impairment”](#).

What if I have a psychological injury

If you suffer a psychological injury as a result of your work, you are entitled to lodge a WorkCover claim. For further information regarding psychological injuries related to work, visit our previous blog on [WorkCover and mental health claims for psychological injury](#).

Will a WorkCover claim impact my working visa?

Unlike Australian employees, as a migrant worker you will have certain obligations attributed to your visa type that you must abide by.

Each visa has different requirements that must be complied with, and some of these requirements may restrict the type of work you are able to undertake within Australia as well as the amount of work that you are able to accept.

If your work injury restricts you from complying with your visa requirements, you have an obligation to update the Department of Home Affairs with your circumstances as to why you are unable to comply with your visa conditions.

Get help from a worker's compensation lawyer

Worker's compensation claims can be complicated and it can be stressful and frustrating dealing with the WorkCover system. By contacting Guardian Injury Law, you can be sure our team will work tirelessly on your claim while you are able to focus on your recovery. We offer free initial advice, so it costs you nothing to find out where you stand.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

Further reading:

- [WorkCover weekly payments – a comprehensive guide](#)
- [WorkCover common law claims and serious injury applications](#)
- [WorkCover death benefit claims](#)

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.