



What is a WorkCover Certificate of Capacity and when do I need one?

Author: [Tanya Neilson](#)

Email: tanya@guardianinjurylaw.com.au

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If you have sustained an injury at work, whether that be physical or psychological, it is important that you seek medical care and treatment as soon as possible afterwards. When seeking medical care, whether that be with your general practitioner, specialist or from a hospital, it is important that you ask the treating medical practitioner to provide a "WorkCover Certificate of Capacity" if you require time off work and intend to claim lost wages through a [workers' compensation claim](#).

A WorkCover Certificate of Capacity is a crucial document for your WorkCover claim as it outlines:

- the nature of your injury;
- the impact the injury is having upon you;
- whether or not you are able to work; and
- if you have been working.

Your employer and the WorkCover insurer will then use this Certificate of Capacity to determine if you can return to work. If they decide that you can return, the Certificate will determine in what capacity. If you are unable to return to work, WorkCover will pay you weekly payments for lost wages.

When should I get a WorkCover Certificate of Capacity?

If you have sustained an injury at work or an aggravation of an injury, you should obtain a WorkCover Certificate as soon as possible, even if you are unsure about lodging a WorkCover claim.

The WorkCover Certificate of Capacity provides a contemporaneous record of your injury, the impact of the injury and your capacity to work.

For more information about making a WorkCover claim in Victoria, see our blog, ["How to make a WorkCover claim in Victoria"](#).

Who can complete a WorkCover Certificate of Capacity?

Treating medical practitioners can complete WorkCover Certificates of Capacity. This includes general practitioners, specialists such as psychiatrists and surgeons, physiotherapists, chiropractors, and osteopaths.

A psychologist is not recognised by WorkSafe as a medical practitioner and is, therefore, unable to complete a WorkCover Certificate of Capacity.

How long is my WorkCover Certificate of Capacity valid for?

Your first WorkCover Certificate of Capacity should strictly be for 14 days. If you remain unable to return to work due to your work-related injury, every certificate after this should be for 28 days.

If your injury becomes permanent and stable and you continue to have no capacity to work, you can ask the WorkCover insurer for approval to provide Certificates of Capacity for longer periods of time, such as every 3 months.

It is important that when your doctor completes your Certificate of Capacity that they do not miss any dates. If you do, this will mean that you do not receive weekly payments for this period. For more information regarding weekly payments, see our blog, ["WorkCover weekly payments – a comprehensive guide"](#).

What do the different definitions of work capacity mean?

In the Certificate of Capacity, your treating medical practitioner is asked to undertake a capacity assessment. This section is used by the insurer and your employer to identify how the workplace injury affects your functional capacity.

If you have sustained a physical injury, your treating medical practitioner is asked to comment on your physical capacity to sit, stand/walk, bend, squat, kneel, reach above your shoulders, use your injuries arm or hand, lift and neck movement.

If you have sustained a psychological injury, your treating medical practitioner will be asked to comment on your mental health function, including your concentration, memory and judgement.

What is the Certification?

On page 2 of the Certificate of Capacity, your treating medical practitioner is asked to certify what your work capacity is. They can certify that you:

- have a capacity for pre-injury employment;
- have a capacity for suitable employment; or
- have no capacity for employment.

Meaning of pre-injury employment

It is important that your doctor is aware that pre-injury employment means employment that consists of the same activities and hours performed before you were injured at work.

Meaning of suitable employment

Suitable employment means employment with modifications to your pre-injury employment that allow you to return to work. It can include different duties to those performed before the injury or illness or, for example, reduced hours.

If your certification changes from no work capacity to having a capacity for suitable employment, then the insurer will engage an occupational rehabilitation provider to liaise with your employer for a suitable return-to-work plan to be created and implemented.

Do I need to complete the Worker Declaration on the WorkCover Certificate of Capacity?

For your WorkCover Certificate to be accepted by the WorkCover insurer, you must complete and sign the Worker Declaration.

This declaration requires you to state whether you engaged in voluntary work or any form of employment or self-employment for which you have received or been entitled to receive payment in money or otherwise.

It is crucial that this declaration is completed correctly and honestly as failure to declare that you have been working will result in the WorkCover insurer seeking recovery of any weekly payments paid incorrectly to you.

Who do I provide my WorkCover Certificate of Capacity to?

Once you have a completed WorkCover Certificate of Capacity, this should be provided to both your employer and the WorkCover insurer. Without the Certificate of Capacity, the insurer and employer will not pay weekly payments.

What happens if my injury changes or deteriorates within the Certificate of Capacity period?

If your injury changes or deteriorates during the Certificate of Capacity period, you should see your doctor as soon as possible and obtain an updated Certificate of Capacity. This should be provided immediately to your employer and the WorkCover insurer to

ensure that any return-to-work arrangements are modified appropriately.

Can my doctor backdate my WorkCover Certificate of Capacity?

If you are unable to see your doctor prior to the expiry of your Certificate of Capacity, you are able to see them at a later date and they can backdate the Certificate of Capacity. Each certificate must still be for a 28-day time period unless you have approval for a longer period.

If I cease working for my injury employer, do I still need to provide Certificates of Capacity?

If you cease working for your injury employer, you must continue to obtain and submit WorkCover Certificates of Capacity. These should be provided to the WorkCover insurer in order for weekly payments to be made.

Engaging a WorkCover lawyer

Obtaining advice from an experienced WorkCover lawyer as soon after your workplace injury as possible is recommended to ensure that your rights and entitlements are protected.

At Guardian Injury Law, our lawyers will take the time to hear your story and provide you with clear legal advice. Our first appointment is free and we charge on a "no win, no fee or expenses basis". Call us today.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

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