



What is a WorkCover certificate of capacity, and why does it matter?

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If you have been injured at work, you will very quickly hear the term “certificate of capacity”. This document sits at the centre of your [WorkCover claim](#) and can affect your weekly payments, your medical treatment, your return-to-work options and, in some cases, whether your claim is accepted or can continue at all.

A certificate of capacity is a legal document that is provided by your General Practitioner. The WorkCover insurer and WorkSafe Victoria rely on it to understand how your injury is affecting you and what support, both medical and financial, you are entitled to receive.

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 can work; and
- if you have been working.

If you would like to learn more about what a certificate of capacity is and when you need one, please see our blog '[Certificate of capacity](#)'.

How does the certificate of capacity affect your weekly payments and entitlements?

Your certificate of capacity is a legal requirement used by your WorkCover insurer and WorkSafe Victoria to determine whether you are entitled to support, including, but not limited to, weekly payments and medical treatment.

Without a valid certificate, your WorkCover insurer cannot:

- approve weekly income payments
- cover your medical and rehabilitation expenses
- support a structured return-to-work plan

Why do WorkCover insurers rely on certificates of capacity for payments?

Weekly payments are one of the most common benefits in a WorkCover claim. But insurers require a [current and valid certificate of capacity](#) before they will:

- start weekly payments; and
- continue paying existing weekly payments;

If your certificate expires or is incomplete, WorkCover insurers can legally suspend payments until a valid certificate is provided. This can create significant financial stress for injured workers and their families, even where the insurer has already accepted liability for the claim.

Obtaining a certificate early helps:

- create a clear medical record of your injury;
- link your injury to your employment;
- protect your right to claim weekly payments and treatment expenses.

What period can my Certificate of Capacity cover?

•First certificate of capacity

If you have sustained an injury or aggravation of an injury at work, you should obtain a Certificate of Capacity as soon as possible, even if you are not sure about lodging a claim. This will assist in creating a clear record of your injury. The initial certificate is required to be for a period of up to 14 days.

•Subsequent certificates of capacity

If you are unable to return to work within the first 14 days, then you will need to organise another appointment with your treating medical practitioner for a subsequent certificate of capacity. These ongoing certificates of capacity are valid for a period of up to 28 days.

•Certificates of capacity after the 130-week period

If you are entitled to receive weekly payments beyond the 130-week period, this will be because you have no work capacity for any form of employment and you are assessed as having a 21% or more whole person impairment.

Where this is the case, and your injuries are permanent and stable, you can ask your **WorkCover insurer to accept 3 monthly certificates of capacity.**

What are some common pitfalls that could lead to delays and disputes

Small errors on a certificate of capacity can have big consequences. Some issues that commonly trigger disputes include:

- **difficult to read handwriting** – if a certificate is completed with handwriting that is difficult to read for an average person, then there could be miscommunication issues with the WorkCover Insurer and lead to delays.
- **expired certificates** — to ensure that you receive weekly payments for the entire period for which you are entitled, you must ensure the WorkCover Insurer is provided with a fresh and valid certificate of capacity before the expiration date of your last one. If this is not provided, there could be an immediate suspension of payments or, at the very least, delays, which can cause significant financial stress.
- **certificates that approve more than 28 days** – ongoing certificates of capacity are valid for a period of up to 28 days. If your certificate of capacity is issued for a period that extends beyond this, it could be considered invalid unless there are special circumstances. These cases are assessed based on their own unique circumstances on a case-by-case basis.
- **incomplete forms** — if the certificate is missing details about your capacity or treatment, it can result in WorkCover insurers asking for clarification and causing delays.
- **vague work restrictions** — it is important that your doctor uses specific language when describing injuries as well as restrictions so that the certificate of capacity accurately reflects your injuries and capabilities. Phrases like “light duties” without specifics don’t tell an employer what tasks are safe.
- **incorrect details** — if your certificate references the wrong injury or the starting date of your injury, your claim could be rejected. This is particularly important if you are suffering from an injury that has developed over time, and it is important that the treater who completes the form indicates how long your injury has been developing. Injuries that occur over a period of time are known as gradual process injuries.
- **incorrect backdating of injury** – if you are unable to see your doctor before the expiry of your certificate of capacity, but see them at a later date,, they can backdate the certificate of capacity for a maximum of 90 days. However, special reasons might need to be supplied to the insurer.
- **unauthorised certifiers** — A certificate of capacity can only be completed by a treating medical practitioner. This includes general practitioners, specialists such as psychiatrists and surgeons. However, this does not include a treating psychologist as they are not recognised by WorkSafe as a medical practitioner. Therefore, if your certificate of capacity is completed by someone who is not a treating medical practitioner, then it may be invalid.
- **Certifier declaration** – For a certificate of capacity to be valid, the treating medical practitioner is required to certify that the information and medical opinions are true and correct to the best of their knowledge. This certification is valid when they provide their details and sign and date the declaration.
- **Worker’s declaration** – Lastly, the injured worker is required to declare whether or not they have engaged in work and confirm this by signing the certificate. If this is not attended to, then the certificate of capacity will be considered invalid.

Practical steps to take regarding your certificates of capacity

To ensure that your certificates of capacity are valid and provided to the WorkCover insurer and your employer on time it is crucial that you:

1. Book appointments early — get your certificate before the current one expires;
2. Tell your doctor exactly what your job involves and what activities you can safely perform at work while you recover— so they can accurately describe relevant tasks;
3. Review the certificate before submission — check for missing information;
4. Provide certificates promptly to both employer and insurer — delays can affect payments;
5. Keep copies of all certificates — for your records and any future disputes.

Engaging a [WorkCover lawyer in Victoria](#)

Obtaining advice from an experienced [WorkCover lawyer](#) as soon after your workplace injury as possible is recommended to ensure that your WorkCover rights and entitlements are protected. Certificates of capacity are important to ensure timely payments, a safe return to work, and to reduce the risk of disputes, delays, and further financial hardship.

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.

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