

INFORMATION FOR EMPLOYEES

Injured worker's obligations

A claimant has the following obligations under the Workplace Injury Management and Workers' Compensation Act 1998

Early notification of workplace injury

If a worker receives a work related injury they must notify their employer as soon as possible after the injury happens.

- Compensation cannot be recovered unless a claim for the compensation has been made within 6 months after the injury or accident happened or, in the case of death, within 6 months after the date of death.
- The failure to make a claim within the six month period is not a bar to the recovery of compensation if it is found that the failure was occasioned by ignorance, mistake, absence from the State or other reasonable cause, and either:
 - (i) the claim is made within 3 years after the injury or accident happened or, in the case of death, within 3 years after the date of death, or
 - (ii) the claim is not made within that 3 years but the claim is in respect of an injury resulting in the death or serious and permanent disablement of a worker.

Making a claim

To claim workers' compensation, an injured worker must complete a workers' compensation claim form (Form M) and forward it to the employer.

This form is to be completed by the worker and not by a company representative. The completed form must be signed by the worker.

A WorkCover Medical Certificate must be provided before any claim can proceed.

The medical certificate must include a statement of the medical practitioner's opinion concerning whether the employment was a contributing factor to the injury.

Court proceedings can not be commenced unless the claim is duly made.

Timeframe for acceptance of claim

Once CMI is in receipt of a workers' compensation claim form and WorkCover medical certificate, commencement of payment of compensation is to commence as soon as practicable, but not later than 21 days after receipt by CMI unless CMI disputes liability for the claim. If CMI have reasonable grounds for disputing liability the Act grants an extension of an additional 21

days by which date payments of compensation must commence unless liability has been declined.

(Liability may be declined for reasons such as work not being a contributing factor towards the injury).

Duty of claimant to co-operate

- A claimant must co-operate fully with CMI in respect of the claim with the insurer liable under the claim.
- In particular, the claimant must comply with any reasonable request by CMI to provide specified information (in addition to the information provided in the claim form).

Worker's injury management plan obligations

- An injured worker (who has suffered a significant injury) must participate and co-operate in the establishment of an injury management plan required to be established for the worker
- The worker must comply with obligations imposed on the worker by or under an injury management plan
- The worker must, when requested to do so by the insurer, nominate as for the purposes of an injury management plan a medical practitioner (or medical practice) who is prepared to participate in the development of, and in the arrangements under, the plan.
- The worker must authorise the worker's nominated treating doctor to provide relevant information to CMI or the employer for the purposes of an injury management plan for the worker.

Injured worker's obligation to return to work

An injured worker must make all reasonable efforts to return to work with his or her pre-injury employer (that is, the employer liable to pay compensation to the worker) as soon as possible, having regard to the nature of the injury.

Procedure for Changing the Nominated Treating Doctor

An injured worker may only change their nominated treating doctor after discussion with CMI. In the event that the nominated treating doctor does not co-operate in the injury management plan then CMI may appoint an alternative treating doctor.