Cameron Hall
COMPENSATION LAWYERS



How to claim workers compensation in Queensland

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It is important to know the “dos and don’ts” when making a worker's compensation claim after a workplace accident or incident. People tend to believe claiming compensation for workplace injuries is an easy process, however, there are strict time restrictions you have to comply with when commencing a claim. You also need to meet certain conditions to be eligible for benefits like weekly payments, medical expenses and lump sum compensation.

You have one shot at obtaining the best compensation outcome, so we strongly recommend you obtain legal advice from our personal injury lawyers before proceeding with your claim.

FREE ADVICE FROM A WORKER'S COMPENSATION LAWYER: 07 3310 8729

Below is a list of the do’s and don’ts when making a worker's compensation claim, whether through the state-based compensation scheme or the federal Comcare scheme.

DO this when making a worker's compensation claim

DO keep records, especially photographs

You should take and keep photos of:

any injuries sustained as a result of your workplace accident; and

the place (specific location) you were injured.

You should also record details of any witnesses. This will assist in proving details surrounding the incident and the extent of your injuries.

It is also important to retain any receipts for medical expenses incurred from receiving treatment for your workplace injuries.

We recommend you keep a folder of all relevant documents, such as medical certificates/reports, witness contact details, and possibly a journal of how your injuries affect your day-to-day living.

DO seek legal advice from a worker's compensation lawyer

There are requirements you must meet to be eligible to receive worker's compensation benefits like weekly payments and medical expenses. If you have sustained an injury as a result of your employer's negligence, you may also be entitled to make a common law damages claim which can be a substantial lump sum payment as it includes loss of income and superannuation, possibly through to normal retirement age.

Worker's compensation insurers have extensive experience when defending workplace injury compensation claims. It is in their best interests to pay out minimal compensation for workplace injuries, hence why obtaining legal advice from an experienced compensation lawyer can be vital. Our worker's compensation lawyers service both Queensland and the Northern Territory. If you are not classed as an "employee" (for example, you may be a contractor), a lawyer will be able to advise you of alternative compensation available.

People are sometimes tempted to choose a lawyer solely based on price and location. However, it is important to choose a lawyer based on their track record and experience, not just on a "no win, no fee" approach.

Most lawyers these days are flexible, will represent clients regardless of their location, and are happy to have remote meetings with clients, so don't be put off by a lawyer who is not local to where you live.

The skills and experience of your lawyer count, not how close they are to where you live.

DON'T do this when making a worker's compensation claim

DON'T delay claiming worker's compensation

You must notify your employer as soon as possible if you've sustained a workplace injury, as you generally only have 6 months to lodge a worker's compensation claim.

You must also provide your employer with a WorkCover Certificate of Capacity (a special worker's compensation certificate), which certifies you as unfit or partially unfit for work.

Once you have lodged a worker’s compensation claim and your employer’s insurer accepts liability, the insurer must start making payments for weekly benefits and medical expenses as soon as possible. These payments are important, especially if you are not able to work as a result of your injuries.

As mentioned previously, worker's compensation insurers may try to minimise the amount of compensation paid by rejecting liability of your claim or claiming they have a “reasonable excuse” not to make provisional liability payments. If your claim is rejected or you receive any other adverse decision from the insurer, you should seek legal advice immediately.

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If you don’t report your workplace injury because you believe it is insignificant and not worth making a claim, you should still seek legal advice as to your entitlements, as there have been instances where injuries have worsened over time, leaving the injured person with significant loss and problems with applying for compensation.

We recommend that you speak with one of our worker's compensation lawyers as soon as possible to prevent this from happening to you.

DON’T settle or accept any decisions made by insurers without advice

Worker’s compensation insurers may try to settle your matter as quickly as possible by offering you an amount upfront, or they may reject liability or delay making provisional liability payments.

If you find yourself in such a situation, it is important to seek advice from a personal injury lawyer before making any decisions. It would well be the most important decision to make regarding your financial future. If you accept a settlement offer from the insurer and sometime later, your injury worsens, you may have difficulty accessing further worker's compensation assistance.

Need help from a worker’s compensation lawyer?

As can be seen from the above, making a claim for worker's compensation can be confusing, complex and overwhelming, not to mention dealing with worker's compensation insurers who tend not to have your best interests at heart.

This is why we strongly recommend seeking legal advice for anyone wishing to make a worker's compensation claim. We offer a first free consultation and no-win, no-fee options.

At Cameron Hall Compensation Lawyers, we have 20 years of experience in securing excellent results for clients injured in workplace accidents.

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.