



Significant changes proposed for worker's compensation claims Queensland

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In this blog, we look at a raft of proposed changes to the law that applies to [worker's compensation claims in Queensland](#) and their impact on injured worker's rights and entitlements. Overall, it is our view that the proposed changes are a positive step for workers who suffer a workplace injury in Queensland.

The Queensland Government is required to conduct a review of the worker's compensation scheme every 5 years. That has now occurred, and as a result, the government has tabled a Bill to parliament to amend the *Workers Compensation and Rehabilitation Act 2003* ('the Act') in a number of quite significant ways.

The *Worker's Compensation and Rehabilitation and Other Legislation Amendment Bill 2024* is not yet law (that happens once the Bill is passed by parliament), but there is a very strong likelihood that the changes noted in the Bill will become law in the next few months or so.

Injured workers' rights in Queensland

In Queensland, an injured worker has the right to:

make a 'statutory' claim for compensation entitlements if they're injured as a result of their employment; and

consider whether they have a worthwhile '[common law](#)' claim to bring, usually against their former or current employer, to recover damages for their injuries if it can be shown that negligence was involved on the part of the employer.

An injured worker is entitled to apply for statutory compensation (also referred to as 'no-fault') regardless of whether there was any 'fault' on the part of the employer. That is, the statutory scheme is a 'no-fault' one, and an injured worker only needs to demonstrate the following to be eligible for worker's compensation:

They are a 'worker' as defined in the Act;

That their employment was a 'significant contributing factor' to the cause of their personal injury; and

That they've sustained a loss of capacity to work which has resulted in loss of wages, incurrence of medical expenses and in some instances, left them with a permanent impairment of a part of their body (including their mental capacities). A permanent impairment claim entitles the worker to [lump sum compensation](#).

You can read more about claiming worker's compensation in our earlier blog, ["How to claim workers compensation in Queensland"](#).

7 key changes proposed for worker's compensation claims in Queensland

Some of the key changes which will impact injured workers are as follows:

Employers will have to give every new worker a 'statement providing information about the worker's compensation scheme' at the start of their employment. This is important as many workers are completely in the dark regarding what they should do and what they need to do when injured at work.

This new requirement will mean that injured workers will have all the necessary information they need to take steps to get the compensation they deserve.

In addition to the provision of this general statement, the employer must also give the injured worker additional information about their worker's compensation entitlements once they've lodged a claim. Presumably, this further information sheet will deal with, in more detail, what the injured worker is entitled to claim for, and their rights and obligations under the Act generally.

Workcover Queensland will be able to direct the employer to provide all necessary details about how the worker's wages are calculated within 5 business days of receiving a request. This information is crucial to Workcover's process of calculating the right amount of weekly payments (loss of wages) that the worker is entitled to. The reason that the government has put this rule in place is to force those employers who 'take their time' in handing over these details to do so in a more timely manner.

Workcover will have to start paying an injured worker a 'basic weekly payment' once they have determined to accept a worker's

compensation claim. This rule has been put in to ensure that Workcover can't delay paying an injured worker simply because the employer has not provided the worker's wage information.

This change will cure the problem faced by many workers who were not paid, sometimes for months on end, as Workcover would say that their employer hasn't given Workcover the information they need to calculate their weekly entitlement. This 'basic weekly payment' will equal 5% of QOTE (Queensland Full-time Adult Ordinary Time Earnings).

The Bill clears up what right the employer (or Workcover) has to 'interfere' with a worker's right to choose their treating doctor (and who is able to be present during any medical treatment for the injury).

It might seem obvious that a worker should be able to choose the doctor they want to treat their work-related injury, but quite a few employers (especially larger ones who have rehabilitation, return-to-work people on their staff) seek to interfere in this process by directing the injured worker to a doctor the employer nominates. Workers can feel intimidated by this and often just agree to see the 'company doctor', not knowing they are entitled to decline that request of the employer and see the doctor they want to see.

By making it law, the employer (we presume) will no longer try to direct the worker to the company doctor, and indeed we would expect this will be clearly noted in the new requirement to give injured workers a 'statement about the workers' compensation scheme' when they start their new job.

New rules to ensure a worker's rehabilitation plan is set up earlier in the claim process will now be mandatory for Workcover to undertake. This includes ensuring that a rehabilitation and return-to-work plan is in place within 10 business days after the worker's application is accepted by Workcover.

Also, the document needs to clearly delineate the plan's 'objectives' and the 'steps required to achieve the objectives'.

This is a very positive change to the rehabilitation provisions of the Act, as historically rehab plans have either not been required in writing, or have been simply conducted in an ad-hoc manner with no clear objective, or step-by-step plan settled upon.

Further new laws dealing with the quality of the rehabilitation to be provided to injured workers are also in the Bill. All in all, this is a very positive improvement in this crucial area of rehabilitation from workplace injury.

The Bill also provides for a specific focus to be had by Workcover on the prospect that a worker who sustains a physical injury

might develop a 'secondary' psychological reaction/condition due to the impact their physical injury has upon them.

Many injured workers suffer psychologically due to an ongoing inability to return to work, constant pain, lack of feelings of worth due to being housebound, etc. This new law mandates that Workcover consider the possibility of a worker suffering a secondary psychological condition and to ensure reasonable treatment is provided to the worker to address it.

Overall, the Bill (in its current form) contains only positive changes for workers who suffer injury due to employment in Queensland.

Need help with your worker's compensation claim?

If you have been injured at work and it looks like you'll be away from work for a while, it's recommended that you seek legal advice about your rights and entitlements, from an experienced worker's compensation lawyer.

You may be eligible for more compensation than you think, including the possibility of bringing a common law claim should your injuries keep you out of work for a significant period, it can be shown that negligence was involved on the part of the employer.

At Cameron Hall Compensation Lawyers, we can give you the insight of over 3 decades of experience in handling injured workers' compensation claims. We will provide you with a clear list of your options and your rights and entitlements, at no cost whatsoever. Contact us for a free assessment of your claim.

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