

# INJURED AT WORK? WHAT YOU NEED TO KNOW

## INJURED IN MAJOR WORKPLACE ACCIDENTS

- » You are likely to be taken to hospital.
- » Your employer does NOT have the right to have a manager present when you speak with doctors or other medical staff.
- » You are NOT obliged to give a statement to police or anyone else at this time.
- » You will have to give a statement but you have the right to wait.
- » You should seek legal advice before making a statement as you are entitled to do so.
- » Your relatives and any co-workers who witnessed your accident are NOT obliged to make a statement straight after the incident. They are also entitled to seek legal advice before making a statement.

## For ALL Workplace Injuries

You should immediately attend a medical practitioner and obtain a workers' compensation medical certificate. Regardless of what your employer tells you, you are NOT obliged to see only a doctor of your employer's choice. You are also FREE to see any doctor of your choice.

Your employer does NOT have the right to have a manager present during an injured worker's doctor's appointment.

Whilst you are injured you should cooperate with any reasonable requests made by your workers' compensation insurer. Whether or not a request is reasonable will be decided by your doctor and NOT by the employer's doctor.

Workplace  
Injuries



The insurer then makes a decision to accept or reject the claim.

If the claim is rejected there are **VERY STRICT** time limits in which to appeal the decision. You should seek legal advice **IMMEDIATELY**.

You should then put in an application for workcover benefits. Failure to do this or using your sick leave instead of lodging an application may deprive you of your ability to claim workcover benefits in the future. It will almost certainly deprive you of a common law claim should you be entitled to such a claim.

## **For Injuries Caused by Fault of Workplace (Common law claim)**

You have **ONLY 3 YEARS** from the date of the accident to start a common law personal injury action.

You should seek legal advice as soon as possible after sustaining or noticing your injury.

An action cannot be commenced against your employer until the workers' compensation claim process (discussed under heading B) has been followed and a notice issued by the insurer making an offer.




You should seek legal advice as soon as possible after injury and **BEFORE** accepting any offer made by WorkCover.

**Sciaccas Lawyers**

**Serving the SDA & its Members for over 25 years**

**Call toll free 1800 658 525**  
for your first free consultation

**Brisbane**

 07 3867 8888  
 07 3229 9482  
 epost@sciaccas.com.au

Level 4, 270 Adelaide Street  
Brisbane, Queensland, 40