

A summary of the Act

The Tasmanian Workers Rehabilitation and Compensation Act 1988 aims to:

- return an injured worker to work as quickly and safely as possible
- ensure an injured worker is compensated for lost wages, medical and other expenses; and dependants are compensated in the event of death.

If an injury occurs

If you are injured at work, you must tell your employer as soon as possible.

Your employer must inform you of your right to claim within 14 days of being notified.

See a medical practitioner for a Workers Compensation Certificate of Capacity (medical certificate).

Access a Workers Compensation Claim Form if you wish to claim compensation. You can access this from www.worksafe.tas.gov.au.

Complete the claim form and give it to your employer, with the medical certificate, and with your medical practitioner's name.

Give your employer any medical and related expenses within 7 days of receiving them.

Can you claim compensation?

For most injuries, you must make a claim within 6 months.

You must be a worker as defined by the Workers Rehabilitation and Compensation Act 1988.

Your injury or disease must have occurred at work or be as a consequence of work.

What you may expect

Your employer must notify their insurer of your claim within 3 working days.

If you are off work, wage payments must commence within 14 days after lodging the Workers Compensation Claim Form and Workers Compensation Certificate of Capacity (medical certificate) (unless you are paid monthly).

You may receive payment of medical and other expenses.

You may be able to claim a lump sum payment for permanent impairment.

You may be able to claim common law damages if your permanent impairment is at least 20% of whole person and if negligence is proven.

Your employer must let you know the status of your claim within 28 days.

Your employer has 84 days from receiving your claim to dispute liability.

Generally, your employer must hold your job open for 12 months.

Generally, your employer must provide suitable alternative duties if your injury prevents you from returning to your pre-injury duties.

Return to work and injury management

Your employer must adopt and comply with its insurer's approved injury management program, or have its own approved program in place.

You must actively participate in the injury management and return to work process.

If your injury is likely to result in an absence of 5 working days or more, you will be assigned an injury management co-ordinator. The injury management co-ordinator is responsible for overseeing the entire injury management and return to work process.

They will ensure that either a return to work or injury management plan is prepared.

If your employer has 100 or more workers, it must also appoint a return to work co-ordinator.

Disputes

Any dispute about liability to pay compensation can be referred to the Workers Rehabilitation and Compensation Tribunal.

Generally, weekly payments must continue unless the Tribunal has ordered otherwise.

The injury management co-ordinator for this workplace is:

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This information is a summary of the law that applies to injuries that occur in Tasmania from 1 July 2010. This poster must be read in conjunction with the Act. To view, go to www.worksafe.tas.gov.au