

COVID-19 and the impact on WorkCover rights

The current environment caused by the COVID-19 pandemic has meant a great deal of uncertainty for workers. Many workers have been stood down, made redundant or otherwise lost their jobs. Gordon Legal has received enquiries from workers who are unsure about whether they can still make a workers' compensation claim in these circumstances.

In these difficult times, it is very important that workers are aware of their rights to claim WorkCover benefits. Below we answer a number of questions that we have received about WorkCover claims.

1. If I have suffered an injury in the course of my employment, can I still make a Workcover claim even if I have been stood down, made redundant or had my employment terminated for other reasons? What type of compensation can I get?

- Yes. You can still lodge a Workcover claim if you have been stood down or your employment has been terminated due to redundancy or other reasons.
- If your Workcover claim is accepted, you may be entitled to receive:
 - Reimbursement of the medical expenses you incurred as a result of your injury – that might include physiotherapy, medication and surgery;
 - A weekly payment if you are not fit to return to the job you were doing before you suffered your injury; and
 - Lump sum compensation if you have suffered a permanent injury.

*If your employment is terminated due to redundancy or other reasons, you will be generally entitled to notice and, in the case of redundancy, a redundancy payment. You might also be entitled to make an employment law claim (such as an unfair dismissal claim, general protections claim or a claim under anti-discrimination laws). You should seek immediate advice from your union about your employment law rights as strict time limits apply (21 days after the date the termination took effect in the case of unfair dismissal and general protections claims).

2. What is considered an injury at work?

- Generally, work related injuries fall in two categories:
 - Injuries that you have suffered while physically at work – for example, if you hurt your knee when you trip over an exposed pipe on a job site; or
 - Injuries that you have suffered because of the type of work that you do – for example, you develop a back injury over a long period of time because of the repetitive manual handling that you are required to do in your job.

3. What about hearing loss? I am a worker who has worked in lots of noisy environments over my working life. Can I get compensation for my hearing loss?

- Yes, you can. The law requires that you lodge your hearing loss claim against your last noisy employer in time, irrespective of whether you have changed employers over your working life. Your entire hearing loss is compensated as part of the claim lodged against your last noisy employer.

4. When should I speak to a lawyer if I have suffered an injury at work?

- The most important thing is always to get the right medical assistance after you have suffered an injury.
- However, it is good to get some legal advice early so that you have all the information that you need to maximise your WorkCover entitlements.
- It is also important to get legal advice because there are strict time limits that apply under the WorkCover scheme and you need to make sure that those are not missed.

If you are unsure about what your entitlements are or are looking for some help and support, please contact your Union or Union Organiser.

How to get in touch

www.gordonlegal.com.au

If you would like to discuss any aspect of this bulletin further, please contact Carol Saunders, Union Relationship Manager on 03 9603 3005

Disclaimer: The contents do not constitute legal advice, are not intended to be a substitute for legal advice and should not be relied upon as such. You should seek legal advice or other professional advice in relation to any particular matters you or your organisation may have.