



Victorian WorkCover
Authority

Introducing WorkCover

A Guide for Injured Workers



- How we can help
- What you need to know
- Working together

This brochure provides a basic introduction to the support services provided by the Victorian WorkCover Authority. Should any differences arise over the interpretations of the content of the brochure and the law, the law applies.

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This brochure contains important information if you have a work-related injury or illness and your WorkCover claim has been accepted. It covers some of the support services provided by the Victorian WorkCover Authority that can help with your recovery. It will be helpful to refer to this brochure from time to time, so keep it with your other WorkCover claim information.

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About us

If you have a work-related injury or illness, whether a completely new injury or an aggravation of a pre-existing injury or illness, you may be able to claim WorkCover entitlements.

You are entitled to claim whether you are permanent or casual, full time or part time, employed by the people where you work or by an employment agency.

How to make a WorkCover claim

For information about making a WorkCover claim you can ask for the *How to Make a WorkCover Claim* brochure.

The Victorian WorkCover Authority

The Victorian WorkCover Authority (VWA) is responsible for administering Victoria's *Accident Compensation Act 1985* and the *Occupational Health & Safety Act 2004*.

The VWA provides just and fair compensation to workers for work-related injuries or illnesses. The VWA also aims to ensure the health and safety of people at work and reduce the social and economic costs to the Victorian community of workplace injuries and illnesses.

Your WorkCover Agent

The VWA authorises WorkCover Agents to perform some of the functions associated with managing WorkCover claims. Your employer is required to choose one of these authorised Agents as their WorkCover Agent.

The functions performed by Agents on behalf of the VWA include:

- managing claims to ensure you receive your entitlements
- assisting people return to work
- collecting employer premiums.

Your Agent will work with you and your employer to ensure that you receive appropriate assistance with your claim.

Contact details for all Agents appear at the back of this brochure.



Self insurers

If your employer is a self insurer they are responsible for managing your claim and assisting your return to work.

When reading this brochure, any reference to 'your Agent' should be replaced by 'your employer'.

To find out if your employer is a self insurer, call the WorkCover Advisory Service on freecall 1800 136 089 or (03) 9641 1444.

Working together

We recognise having a work-related injury or illness can have a big impact on what you are able to do. You might not be able to do what you used to, either at work or at home.

Working in partnership with you, we can support your recovery and return to work.

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Weekly payments (Income entitlements)

If you lose income because of a work-related injury or illness, you may be entitled to weekly payments, based on your pre-injury average weekly earnings (PIAWE).

You don't have to be working full time to be eligible for weekly payments – you can be permanent or casual, full time or part time, employed by the people where you work or by an employment agency. You may also have more than one job.





Your employer is usually responsible for paying your benefits and they should pay you on your normal pay day providing you have given them a valid *WorkCover Certificate of Capacity*. Your employer will be reimbursed by your Agent, unless they are self insured.

How to access weekly payments

If you are unable to do your normal job and you are claiming weekly payments, you have to give your employer a valid *WorkCover Certificate of Capacity*.

Weekly payments (Income entitlements)

WorkCover Certificates of Capacity

	Your medical practitioner has <i>WorkCover Certificates of Capacity</i> and will complete one for you. Your first certificate can cover a maximum of 14 days.
	If you still can't do your normal job after this certificate has expired, you'll need further <i>WorkCover Certificates of Capacity</i> . Each certificate can cover a maximum of 28 days and can be obtained from medical practitioners, chiropractors, physiotherapists and osteopaths.
	In certain circumstances, your Agent can authorise continuing <i>WorkCover Certificates of Capacity</i> for periods longer than 28 days.
	You must declare any work you have done during the period covered by these ongoing certificates by completing and signing the declaration on the back. If you have more than one job and you are still working in one of the jobs, it is important for you to detail and attach this information to your certificate.

What WorkCover pays

Your WorkCover weekly payments are determined as a percentage of your PIAWE (capped at a maximum rate and indexed annually).

Your PIAWE is calculated by using your average weekly earnings for the 12 months prior to your injury (if you have been with the same employer) or your average weekly earnings for the period of your employment (if you have been with your employer less than 12 months). It is based on your ordinary time rate of pay for your normal number of hours per week.

If you receive *regular* overtime or shift allowances, this may be included in the calculation of your pre-injury earnings for the first 26 weeks of weekly payments.

Weekly payments (Income entitlements)

The percentage rate changes if you have returned to work and is based on the number of weeks of paid or payable weekly payments. The table below shows you how the percentage rate changes.

	If you have returned to work (and you are earning less than your PIAWE)	If you have not yet returned to work
For the first 13 weeks	95% of your PIAWE (capped at a maximum rate), less what you are currently earning a week.	95% of your PIAWE (capped at a maximum rate).
14 weeks to 104 weeks	60% of your PIAWE (capped at a maximum rate), less 60% of what you are currently earning a week.	<p>If you have no capacity for work: 75% of your PIAWE (capped at a maximum rate).</p> <p>If your claim was lodged on or after 1 July 2005 and you have capacity for suitable alternative work but your employer has failed to offer you suitable employment: 75% of your PIAWE (capped at a maximum rate).</p> <p>If you have capacity for suitable alternative work, and your employer has offered you appropriate duties, but you have not yet returned to work: 60% of your PIAWE (capped at a maximum rate).</p>
After 104 weeks	<p>Your weekly payments cease being paid at 104 weeks.</p> <p>If you have returned to work at least 15 hours a week (minimum earnings apply) and you continue indefinitely to be incapable of working beyond this level in any job as a result of your injury or illness, you can apply to the VWA for your weekly payments to continue beyond 104 weeks.</p> <p>If you meet these conditions, your weekly payments will be 60% of your PIAWE (capped at a maximum rate), less 60% of what you are currently earning a week.</p>	<p>If you still have no capacity for suitable alternative work and this is not likely to change: 75% of your PIAWE (capped at a maximum rate). Payments can continue until you reach 65 years of age or until there is a change in your capacity.</p>

For more information about maximum rates and indexation, see www.workcover.vic.gov.au, call the WorkCover Advisory Service on freecall 1800 136 089 or (03) 9641 1444, your Agent or your union.

You may also be entitled to additional or 'top up' pay through your award or Enterprise Bargaining Agreement. You should talk to your employer, your union or Wageline to get more information.

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Services to help you get better

The most important person in your recovery is you. Actively participating in your treatment can help you get better sooner.

What WorkCover will pay

WorkCover will pay the reasonable costs of medical and like services for your work-related injury or illness. Your medical practitioner and healthcare professionals are primarily responsible for identifying the medical and like services that are appropriate for your work-related injury or illness. You can choose which medical practitioner or healthcare professional you visit.

Examples of some of the medical and like services you may be entitled to are listed in the table below.

✓	Medical treatment
✓	Medical imaging such as CT scans and x-rays
✓	Physiotherapy
✓	Ambulance
✓	Occupational rehabilitation
✓	Hospital services
✓	Nursing
✓	Chiropractic
✓	Osteopathy
✓	Pharmacy
✓	Transport to and from medical treatment
✓	Psychology and psychiatry
✓	Personal and household services

For more information see www.workcover.vic.gov.au, call the WorkCover Advisory Service on freecall 1800 136 089 or (03) 9641 1444, your Agent, or your union.

Services to help you get better

As you recover, your needs will change, and you can expect your treatment to reduce as you get better.

What WorkCover can't pay

✘	Treatment or services unrelated to your work-related injury or illness.
✘	Treatment or services provided outside Australia, unless you obtain approval from your Agent in advance.
✘	Treatment from a person who isn't appropriately registered, qualified or authorised by the VWA to provide the service.

How to access services

You generally don't need to seek approval from your Agent before starting treatment if it:

- relates to your work-related injury or illness
- follows straight on from the incident that created the injury or illness (i.e. no gap in treatment)
- is a VWA approved treatment that doesn't require a referral
- is not considered to be experimental
- is provided by a healthcare professional registered with the VWA.

Your Agent may require a referral from your medical practitioner for some services such as massage, acupuncture and psychological counselling. For these services your medical practitioner should send a copy of the referral to your Agent for approval except in a medical emergency where it is not reasonable to do this.

If your medical practitioner thinks you will need assistance such as help with household tasks that you did before your injury or illness, you can ask your medical practitioner to make a written recommendation for this assistance. Your Agent will then review this request.

Your Agent will regularly review your progress, taking into consideration your changing needs and the effectiveness of ongoing treatment when deciding what's reasonable to pay for.

How services are paid

The VWA prefers that your healthcare professional invoices your employer or your Agent directly. You need to make sure they have your correct WorkCover claim number so they can include this on their invoice.

If you do pay for your own treatment or services, forward the original account and receipt to your employer unless arrangements have been made for you to forward these directly to your Agent. It is recommended that you also keep copies for yourself. If you haven't been reimbursed within 30 days, call your employer or your Agent.

You should send invoices and receipts to your employer or Agent as soon as possible, or at least within six months of the date of treatment or service.

How progress is monitored

To understand your needs and whether your treatment is helping to improve your injury or illness, your Agent might ask for information from you and your healthcare professionals about your progress and goals. Your Agent or your employer's Return-to-Work Coordinator may also call your healthcare professionals about your future treatment plan.

The VWA has appointed a number of independent medical practitioners and other healthcare professionals to provide independent medical opinions. Your Agent can select from these healthcare professionals to provide assistance with reviewing a range of matters such as:

- claim eligibility
- work capacity
- MRI requests
- surgery requests.

In these cases you might be asked to attend one or more medical examinations.

If there is a dispute about these matters see Section 5 of this brochure 'What should I do if I disagree with a decision?'

Your privacy

Your privacy is important. To find out about the VWA's Privacy Policy refer to the Collection Statement on your claim form, see www.workcover.vic.gov.au or call the WorkCover Advisory Service on freecall 1800 136 089 or (03) 9641 1444.

Services to help you get better



Talk to your healthcare professional/s about staying active and doing your normal activities as this can speed your recovery.



Getting the most from your treatment

Getting the most from your consultations with your healthcare professional is vital to getting better. These are some of the questions that might be useful for you to ask your treating healthcare professionals:

- ✓ What is my treatment plan?
- ✓ What are my rehabilitation goals?
- ✓ How do I know if my treatment is effective?
- ✓ How do I know if I'm making progress?
- ✓ Should I be able to do more now than I did a month ago?
- ✓ What can I do to continue my recovery at home?
- ✓ Has my treatment plan changed in line with my recovery?
- ✓ How will I know when treatment is complete?

If your treatment is working for you, you should notice improvement. If you don't, the treatment might not be right for you, and you should talk to your healthcare professional/s.

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Getting back to work

Talking regularly with your employer can help get you back to work.

Getting back to work after a work-related injury or illness is an important step in your recovery. Job satisfaction and social contact are some of the things you might miss when you're not at work.

What your employer needs to do

If you are likely to be incapacitated for more than 20 days your employer has to prepare a return-to-work plan for you. The plan should be prepared within 10 days of your claim being accepted, or your employer becoming aware that you're likely to be off work for more than 20 days.

If you can manage to do some work, but can't return to your normal role, the return-to-work plan should include an offer of suitable employment.

What a return-to-work plan is

A return-to-work plan is your employer's written action plan, explaining how they will help you stay at work while you recover, or return to work as soon as possible. Your employer must prepare the plan in consultation with you, your treating medical practitioner and an occupational rehabilitation provider (where one is involved). Where your employer chooses to involve an occupational rehabilitation provider, your Agent will need to approve the costs of this service. You will be able to choose an approved occupational rehabilitation provider from a list of at least three approved providers.

What an offer of suitable employment is

An offer of suitable employment is a written outline of the sorts of duties your employer has identified you can do, taking into account your current work capacity and medical advice. These duties will need to be approved by your healthcare professional/s.

Suitable work could mean doing different duties or making changes to the tools or equipment you use. It could mean working reduced hours while you recover and return to your normal work.

There's a lot of evidence to show that getting back to work can reduce the time it takes to recover, so the aim here is to help you stay at work, or return in a modified way until you can do your normal job. An offer of suitable employment does not constitute a new employment contract. Your employer is legally required to provide you with the same or equivalent job to the one you were doing before your injury or illness. This obligation applies for the first 12 months that you have an incapacity for work, unless your employer can show this would cause them unjustifiable hardship.

Following an injury in your workplace, your employer is responsible for establishing and maintaining a risk management program. This involves preparing a document detailing the steps to be taken to, as far as is practicable, reduce the risk of a similar injury occurring.

This workplace risk management program should be undertaken in consultation with your Health and Safety Representative. You can ask for a copy of this.

For more details about your employer's obligations see *The Return to Work Guide for Victorian Employers* at www.workcover.vic.gov.au

If you have any concerns about your workplace's safety you should talk to your Health and Safety Representative, supervisor, employer, union or an independent advisor.

Returning to work means you're getting back to your normal routine and managing your injury or illness.



What you need to do

You have to make a reasonable effort to participate in a suitable return-to-work plan and make a reasonable effort to return to work in suitable employment. This may include participating in:

- occupational rehabilitation services
- assessments of your work capacity
- assessments of your rehabilitation and return to work progress.

You should talk to your treating medical practitioner about whether an offer of employment is suitable.








If you need additional help with returning to work, contact your Agent, employer, union or an independent advisor.

If there is a dispute about any of these matters see Section 5 of this brochure 'What should I do if I disagree with a decision?'.

Getting back to work

If you're having problems returning to work, talk to your Agent, employer, or union.

Hints for getting back to work and staying at work

-  Ask your healthcare professional to detail the work you can and can't do on a *WorkCover Certificate of Capacity*. This should include details of limitations, for example difficulty with bending, lifting or requirements for regular breaks.
-  Your workplace should have a Return-to-Work Coordinator who can help you get back to work. If not, ask your employer or Health and Safety Representative who is the best person in your workplace to talk to about returning to work.
-  Your employer should call you to see how you are. Talk to them about your progress and the parts of your job you think you can do.
-  If you have some capacity for work and you haven't heard from your employer, call them and ask about your return-to-work plan.
-  If you feel that the services of an occupational rehabilitation provider may help you stay at work or return to work, you should talk to your healthcare professional, employer or Agent. The use of a provider needs to be approved by your employer or Agent.
-  Your return-to-work plan should be followed by your employer and reviewed regularly. You or your treating medical practitioner can also request that your plan is reviewed at any time.
-  You can ask to have your Health and Safety Representative involved in all discussions about your return to work.

If you need additional help with returning to work, contact your Agent, employer, union or an independent advisor.

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Frequently asked questions

How do Agents make decisions?

When making decisions about your claim, your Agent must follow the relevant Victorian legislation and VWA policies and procedures. These set out the services that can be paid for, and any conditions that might apply. The information that your Agent obtains from your healthcare professionals will be used to help make decisions about your entitlements.

What should I do if I disagree with a decision?

If you disagree with a decision on your claim, there are a range of ways to resolve your dispute:

- ✓ Talk to your employer.
- ✓ Talk to your union.
- ✓ Talk to your Agent.
- ✓ Contact the WorkCover Advisory Service on freecall 1800 136 089 or (03) 9641 1444 or email info@workcover.vic.gov.au
- ✓ Use the Accident Compensation Conciliation Service (ACCS). This is a free service that can help resolve your dispute without a solicitor or going to court. The ACCS is independent of the VWA, Agents, employers, solicitors and unions. For more information or to get a *Request for Conciliation* form, call the ACCS on (03) 9940 1111, freecall on 1800 635 960 or visit www.conciliation.vic.gov.au
- ✓ If it is not resolved through the conciliation process, you can go to court.

Frequently asked questions

Where can I go to get assistance?

There are a number of places to turn for assistance regarding disputed claims and the ACCS process. These include:

Your union	Some unions provide free help to their members with claims and any disputes relating to claims – contact your union for further information.
Union Assist	A free service set up and run by the Victorian Trades Hall Council. Call (03) 9639 6144.
WorkCover Assist	This is a free service provided by the VWA but operates without its influence to help you if you have a problem with your claim. Call (03) 9941 0537.

What are impairment benefits?

The term impairment means loss of a body part or function. If you have a permanent impairment directly resulting from a work-related injury or illness you may be entitled to a lump sum benefit, if your impairment is greater than the minimum threshold. This is a payment separate from and in addition to weekly payments and medical and like services.

For more information call your Agent.

What are common law damages?

If your injury occurred on or after 20 October 1999, you may be able to sue for damages under Common Law. To be eligible, your injuries must reach a certain impairment rating or you must satisfy the 'serious injury' test.

For more information call your Agent.

Frequently asked questions

Who can help me with safety at work?

If you have any workplace health and safety concerns, you should talk to your Health and Safety Representative, supervisor or employer.

For more information about workplace health and safety, call WorkSafe Victoria through the WorkCover Advisory Service on freecall 1800 136 089 or (03) 9641 1444, visit www.workcover.vic.gov.au or contact your union.

Where can I go to make a complaint?

If you have a complaint about the service or management of your claim there are a number of ways to be heard – you can contact your Agent, the WorkCover Advisory Service, the Victorian Ombudsman or your union.

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How to get more information



WorkCover Advisory Service

The WorkCover Advisory Service is a free service that can help by:

- explaining return to work, rehabilitation rights and obligations
- helping to resolve worker and employer concerns
- answering general occupational health and safety enquiries
- advising workers on their rights, including health and safety and what to do if injured or ill.

Telephone: freecall 1800 136 089 or (03) 9641 1444

Email: info@workcover.vic.gov.au

Visit

Victorian WorkCover Authority
222 Exhibition Street
Melbourne, Victoria 3000
www.workcover.vic.gov.au

Write to

WorkCover Advisory Service
GPO Box 4306
Melbourne, Victoria 3001

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Notes

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ALLIANZ Workers' Compensation (Vic) Limited

Level 26,
570 Bourke Street,
Melbourne 3000
Ph: (03) 9234 3800
Fax: (03) 9234 3760
Freecall: 1800 240 335

JLT Workers Compensation Services Pty Ltd

Level 1,
468 St Kilda Road,
Melbourne 3004
Ph: (03) 9860 3555
Fax: (03) 9820 5840
Freecall: 1800 817 969

Cambridge Integrated Services Victoria Pty Ltd

GPO Box 751,
Melbourne 3001
Ph: (03) 9947 3000
Fax: (03) 9947 3008
Freecall: 1800 801 070

QBE Workers Compensation (Vic) Limited

Level 8,
628 Bourke Street,
Melbourne 3000
Ph: (03) 9246 2444
Fax: (03) 9246 2400
Freecall: 1800 817 820

CGU Workers Compensation (Vic) Limited

Level 5,
477 Collins Street,
Melbourne 3000
Ph: (03) 8630 1000
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Freecall: 1800 066 204

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