



Workers Compensation - ACT

All employees and some contractors are entitled to compensation for injuries and medical conditions sustained or aggravated as a result of their work. 'Work' includes breaks, functions, training and business travel. In some states 'work' may also include travel to and from work.

How is workers compensation decided?

Compensation is paid under the various state-based workers compensation schemes, which have been constantly changing.

The precise compensation payable will depend on the state law that applies and the date of injury. This can affect the level of your weekly payments, the type and amount of any lump sum and whether or not you have a right to claim damages ('sue') for negligence.

What if I am injured while working interstate?

Most workers compensation claims concern injuries that occur within the state in which the worker lives and works.

In some cases a worker may live in one state and be injured when temporarily in another state. Where this occurs, dual or alternative coverage may be available.

If you lodge a claim in one state, it may limit your access to another state's scheme. As benefits differ between states, it is important that you have access to sound legal advice as early as possible.

How do I go about making a claim?

If you have been injured at work or have sustained or aggravated a medical condition as a result of your work, you are entitled to claim compensation under the Workers Compensation Act 1951.

If you intend to make a claim, Slater & Gordon strongly recommend that you seek prompt legal advice to ensure that your rights and entitlements are fully protected.

Slater & Gordon can help. Our dedicated team of workers compensation lawyers are committed to achieving the best possible compensation outcomes on behalf of injured or bereaved workers and their families.

We will work with you to thoroughly assess the circumstances of your claim and advise you frankly of the legal options and avenues available to you - preferably without the need to resort to costly litigation.

We will and do challenge the law, however, and when necessary will take the calculated risk of court action to ensure that your rights are defended.

Slater & Gordon's [No Win - No Fee™](#) scheme is generally available for workers compensation claims. The scheme is designed to help those whose financial circumstances might otherwise deny them access to legal representation.

What sorts of things can I claim?

You may be entitled to claim the following benefits for a work-related injury:

- *medical and ancillary expenses*
These expenses are payable provided the treatment is necessary and the cost of the treatment is reasonable. Once a claim is accepted there is usually no dispute over the treatment plan your doctor has recommended.
- *weekly compensation payments*
These are payable during incapacity and usually commence at a high level (currently 100% of pre-injury average weekly earnings and may include earnings from regular overtime). Payments will reduce after 26 weeks to 65% of your average pre-injury average weekly earnings subject to some exceptions. Partial payments may be available if you are unable to return to full time work. In addition to workers compensation weekly payments some 'top up' payments are possible under industrial awards or Enterprise Agreements.
- *lump sums for permanent impairment*
Lump sums are currently paid for physical impairment on the basis of a whole person impairment assessed in accordance with the Workers Compensation Act. These assessments and calculations can be highly complex and we strongly recommend, therefore, that you seek legal advice before submitting a claim.

If my partner dies at work can I claim compensation?

If you were the partner, spouse or dependant of someone who has died and you think their work contributed to their death, you may be entitled to workers compensation in the form of funeral expenses, a lump sum payment and an additional pension.

The dependants, including the spouse and children of someone who has died as a result of the negligence of some other person, can also sue for common law damages (see below) within three years of the date of death.

To access these benefits you must provide notice to your employer of the injury as soon as practicable and lodge a claim for compensation within strict timeframes and before you voluntarily leave that employment. It is vital, therefore, that you seek legal advice before submitting a claim.

If an employer's negligence caused my injuries can I also claim common law damages ('sue')?

It is possible under workers compensation legislation to pursue a claim for common law damages for an injury sustained in employment. To succeed in a common law claim you must be able to prove that your personal injury, loss or damage was caused through the fault of your employer or a third party.

If negligence by the employer can be shown, the right to claim for damages ('sue') includes pain and suffering, past and future economic loss as well as past and future medical expenses.

If you believe you may have an entitlement to a common law claim, it is vital that you seek prompt legal advice to ensure that you meet statutory time limits and that you are able to locate witnesses and collect evidence which supports your claim.

Talk to us

If you have been injured at work and would like more information about how we can help you please contact us either by [email](#) or by calling direct on 1800 555 777.