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# WorkCover

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## Compensation

Your guide to  
what's covered

No Win No Fee

**OR** Expenses\*

\*Conditions apply

Personal injury claims WorkCover Traffic injury claims Comcare Seacare  
Accidents in public Asbestos Institutional abuse Family law Criminal charges  
Wills & probate Employment & industrial law Equal opportunity Anti-discrimination  
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*We're on your side*



WorkCover will pay you medical costs, weekly benefits and lump sum payments.

# What's covered?

WorkCover will pay you medical costs, weekly benefits and lump sum payments. Remember, you may receive a lump sum payment and continue to have your weekly benefits and medicals paid for.

## Medical costs

WorkCover must pay for reasonable medical and related costs following your injury. This includes home maintenance help.

## Weekly benefits

- Your first 13 weeks off work: 95% of your pre-injury wage.
- After that: 80% of your pre-injury wage (including allowances and overtime for 52 weeks) up to a total of 130 weeks or longer if you continue to remain unfit for all work.

## Lump sums

Your compensation amount will depend on your level of permanent impairment. The threshold level of injury to get compensation is low.

These are sample payments for an injury on or after 1 July 2013.

|                                    |          |
|------------------------------------|----------|
| 5% injury to spine                 | \$12,837 |
| 10% whole person injury            | \$18,810 |
| 15% whole person injury            | \$32,960 |
| 20% whole person injury            | \$47,110 |
| 25% whole person injury            | \$61,260 |
| 30% physical or psychiatric injury | \$75,410 |



We are experts  
in appealing poor  
decisions made  
against workers.



## Appealing a WorkCover decision

WorkCover, and the doctors who examine you on WorkCover's behalf, do not always get it right. If the WorkCover Insurer or Self Insurer makes a decision that reduces your entitlements, you can appeal the decision by referring the matter to Conciliation. Appeals must usually be made within 60 days, although some extensions apply. Seek legal advice from our office, as we are experts in appealing poor decisions made against workers.

## Common Law claims

If your injury has been caused by the negligence of your employer or any other party, you may have an entitlement to lump sum damages for pain and suffering and loss of income.



### For example:

A 23-year-old machine operator suffered an injury to his lower back and was unable to continue working full time.

His employer was found liable for breaching OH&S Regulations.

He was awarded compensation of \$250,000 for pain and suffering and \$810,941 for loss of income.

*\* Crowe v Trevor Roller Shutter Services Pty Ltd – Victorian Supreme Court 2011*





## Common Law claims deadline date

Common Law claims for lump sum damages must be commenced within six years of the injury. There are some exceptions.

### Death claims

- Dependants may claim for up to a maximum of \$555,350 for no-fault compensation.
- Weekly pensions for a spouse and dependants are also available.
- Wrongs Act claims for damages for death caused by another party's negligence may also be available.

 Common Law claims for lump sum damages must be commenced within six years of the injury. 



# WorkCover FAQs

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**Q** How does WorkCover work out how much they have to pay me for my time off work?

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**A** WorkCover uses different formulas to calculate pre-injury earnings. Special rules apply to apprentices, trainees, shift workers, overtime and a whole range of other employment situations. Contact one of our expert lawyers to ensure you are paid your full entitlements while you are injured. WorkCover regularly short changes injured workers.

**Q** Can I claim compensation even if I am receiving a weekly wage and my medical expenses are being paid by WorkCover?

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**A** Yes, you can. Obtaining compensation does not affect your right to have your medical bills paid into the future. Only after you are compensated for future loss of income will WorkCover stop your weekly wage payments. If you pursue a lump sum impairment claim, your entitlement to weekly wages will also NOT be affected.



**Q** Is my employer legally obliged to get me back to work after I've been injured?

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**A** Yes, they are. Your employer has legal obligations, punishable by large fines, to take reasonable steps to try and get you back to work. Ryan Carlisle Thomas can help you in reminding your employer of their obligations and give you advice where an employer is not taking reasonable steps, including pursuing discrimination claims for you.

**Q** What type of medical expenses can I get paid for to assist in my recovery?

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**A** WorkCover will fund many different forms of treatment, such as physio, medications, surgery, GP visits. Upon Doctor's recommendation, you can have WorkCover pay for new furniture, appliances and fitness equipment to help you get better. They also have to pay for your travel expenses to access medical treatment.

WorkCover legal experts



1300 366 441



# Fees

Under our *No Win No Fee OR Expenses\** policy on fees and out of pocket expenses, we will waive our fees if you don't win a case we have agreed to fund and pick up the tab on your out of pocket expenses. Out of pocket expenses are counted as medical report costs, court fees and many other expenses other firms would typically require you to pay in the event the case was lost.

The terms of our policy will be fully explained to you during your first free consultation.

# Our record

We have prosecuted more than 60,000 successful injury claims and are respected as an industry leader.

# Our philosophy

We believe in listening, advising and, when instructed, fighting for you. Our team takes client care seriously.

We're always there for you. Always on your side.

# Our offices



In 2007, Ryan Carlisle Thomas joined forces with leading regional law firm, Stringer Clark, to create Victoria's biggest legal network.

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