

# WorkCover Information Guide

A photograph of two men in high-visibility vests and hard hats shaking hands on a construction site. The man on the left is wearing an orange hard hat and has red earbuds around his neck. The man on the right is wearing a yellow hard hat. They are both wearing blue and white plaid shirts under their high-visibility vests. The background is a blurred construction site with a crane.

No Win, No Fee  
Personal Injury Lawyers

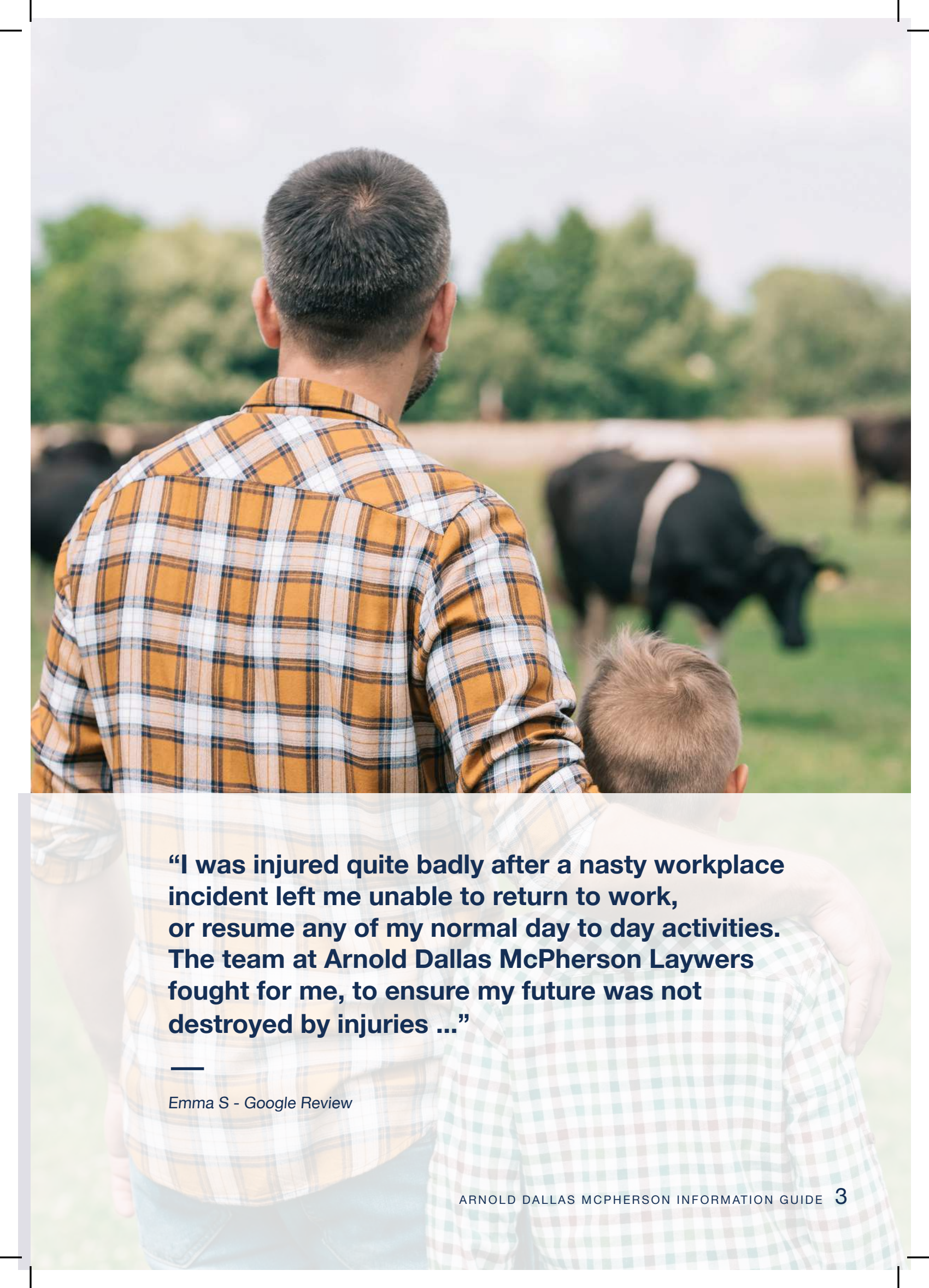
# Being injured at work can leave you feeling frustrated, vulnerable, and alone.

Sometimes the injuries are irreversible and life-altering. Thankfully, we are experts at assisting people like you and obtaining the financial security via compensation that you are entitled to and deserve. We are here to help.

At Arnold Dallas McPherson, we provide you with the highest standard of legal services on a no win, no fee basis. We pride ourselves on doing this personally and being on the journey with you throughout your claim.

We have been helping injured Victorians to secure financial compensation and lump sum payments for over 25 years. Your road to financial recovery begins with us. It doesn't cost you anything to know where you stand.

**Call us on 1800 242 588  
or visit [www.admlaw.com.au](http://www.admlaw.com.au)  
to find out how we can  
help you today.**

A photograph of a man and a young boy standing in a field. The man is in the foreground, wearing a yellow and white plaid shirt, with his back to the camera. The boy is standing next to him, also with his back to the camera, wearing a green and white checkered shirt. In the background, there are several black and white cows grazing in a green field under a cloudy sky.

**“I was injured quite badly after a nasty workplace incident left me unable to return to work, or resume any of my normal day to day activities. The team at Arnold Dallas McPherson Laywers fought for me, to ensure my future was not destroyed by injuries ...”**

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Emma S - Google Review

# What is WorkCover?

## The WorkCover system in Victoria is a scheme which provides benefits to people who have suffered a work-related injury.

### Lodging a WorkCover Claim

Lodging a Claim requires that you:

- Notify your employer of the injury within 30 days, or as soon as practicable
- Provide your employer with a completed Worker's Injury Claim Form. This form can be completed electronically by downloading the editable PDF version from WorkSafe's website or on our website. If a hard copy is preferred, we can provide you with one.
- Give the completed claim form to your employer.

If you are claiming weekly payments and provide a WorkCover certificate of capacity, your employer then has 10 days to pass the claim form on to their WorkCover insurer. Once received by the insurer, the insurer has 28 days to make a decision to accept or reject your claim.

If you are stuck on how to complete a claim form, or have any questions about the process, we will be happy to assist you with this.

### Entitlements under the scheme

#### Medical and Like Expenses

The insurer is liable to pay for the costs of reasonable medical and like expenses that are incurred due to your work injuries. The expenses must be reasonable and necessary. You choose your own medical providers you obtain treatment from.

Medical and like expenses includes such things as treatment, medication, rehabilitation services, home help, and travel to and from medical appointments. In cases of severe injury, it can include home modifications.

#### Weekly Payments


If you are unable to work due to your injuries, you should see your doctor straight away to obtain a certificate of capacity. The first certificate of capacity can be up to a maximum period of 14 days, and every certificate after that up to a maximum of 28 days.

If your WorkCover claim is accepted and your certificate of capacity is valid, you are entitled to income support in the form of weekly payments. This is paid at a rate of 95% of your pre-accident earnings for the first 13 weeks, and thereafter at a rate of 80%, for up to 130 weeks in most cases.

Weekly payments are capped at a maximum amount. You will only be entitled to superannuation payments after 52 weeks of incapacity.

Weekly payments can continue past 130 weeks if a worker is found to have no work capacity at all, and this is likely to continue indefinitely.

If you have not yet received 130 weeks of payments and are in receipt of weekly payments on or after 31st March 2024, you must meet an additional requirement. You will be required to also establish that you have a whole person impairment of greater than 20 percent according to the American Medical Association Guides to the Evaluation of Permanent Impairment (4th Edition).

A person wearing a white t-shirt and dark shorts is using a white walker with blue handgrips. A healthcare professional in blue scrubs is standing behind them, with their hands on the person's back, providing support. The person is also wearing a white brace on their right knee.

### **If your WorkCover claim is rejected, or the insurer makes a decision you disagree with**

If the Insurer makes a decision to reject your claim, or any other decision you disagree with, it must be referred to the Workplace Injury Commission (“WIC”) to appeal the decision. WIC is a free conciliation service available to assist workers under the WorkCover scheme. You are unable to take your dispute any further, such as to Court, without first going through conciliation. If you receive notice of an insurer’s decision you disagree with, you have 60 days to lodge an Application for Conciliation Form, which can be found on the WIC website or our website.

You can also lodge a conciliation request for the failure of an insurer to make a decision about your claim.

A conciliation conference will then be held with the insurer, a WIC conciliator and you and your representative (if you have one). If the parties are unable to come to an agreement through the conciliation process, the conciliator will issue a Genuine Dispute Certificate which allows you to proceed to Court.

Unlike many firms, we will assist you with these disputes.

Please contact us if you have a decision you disagree with, or a decision is not being made by your insurer, so we can help you.

### **Lump Sum Compensation**

#### **Impairment Benefit Claims**

If you suffer permanent impairment as a result of your workplace injury, you may be entitled to compensation by way of an Impairment Benefit Claim. Impairment Benefits are another form of statutory ‘no-fault’ compensation.

To start an impairment claim, your injury must be considered “stable”. An injury is considered stable when there is no further surgery or significant treatment planned, and it has been at least 12 months from your date of injury.

Once your injury is considered stable, we obtain your health records and reports from your treating doctors. We then complete a Worker’s Claim for Impairment Benefits Form, which is lodged with your WorkCover insurer.

The insurer will arrange for you to be assessed by an independent medical examiner, who will provide you with a whole person impairment assessment. If you are assessed as having at least a 5% or more whole person impairment for musculoskeletal injuries, 10% or more for other physical injuries, or 30% or more for psychological injuries, you will be entitled to a lump sum payment.

The insurer has 120 days from when your impairment is lodged to make a determination. More information about the sums you can receive from an impairment claim can be found on our website, or feel free to call us for more information.



## Common Law Claims

A Common Law claim is an entitlement to compensation if you can establish that you have a 'Serious Injury' and that the injury was caused by the negligence or fault of your employer (or another insured third party).

You have 6 years from your date of injury to bring a Common Law claim against your employer.

To be eligible to make a Common Law claim, you must first show you have a Serious Injury.

A Serious Injury is defined as a whole person impairment of 30% or more, or alternatively if WorkCover or a Court is satisfied you have suffered:

1. a permanent serious impairment or loss of a body function; or
2. a permanent serious disfigurement; or
3. a permanent severe mental or behavioural disturbance or disorder; or
4. a loss of a foetus.

Once Serious Injury is proved, you must then show your employer or a third party to have been at fault in causing your injuries.

If you have a Serious Injury and are able to prove fault, you can claim further compensation, known as Common Law Damages.

In WorkCover claims, Common Law Damages are claimable under two separate Heads of Damage.

The first is General Damages, which is commonly known as Pain and Suffering damages.

The second type is Economic Loss Damages. This is for past and future lost income. You can only claim this if, during the Serious Injury application stage, you can show you have a permanent loss of earning capacity compared to your pre-injury earning capacity of no less than 40%.

Claims for Common Law Damages are extremely complex.

You will need experienced and specialist legal representation, which we at Arnold Dallas McPherson can provide.

# Why Arnold Dallas McPherson?



## Our understanding team

We understand that dealing with lawyers can be daunting. We listen to your story carefully and answer your questions clearly. We ensure that you understand your rights and responsibilities, our role in assisting you, and what your claim involves.



## We are an excellent specialist injuries firm

Our lawyers are committed to excellence and are proud of their results and the firm's reputation. Many of our lawyers are Accredited Personal Injuries Specialists, and leaders within the Victorian legal profession. Our support staff are well trained, caring, and committed to assisting our clients.



## Truly local services

We understand the needs of people in Country and Metropolitan Victoria. Our offices in Bendigo, Melbourne, Echuca, Shepparton, Maryborough, Castlemaine, Narre Warren, Scoresby, Bundoora, Ringwood and Chadstone allow Victorians to access excellent legal services locally and in person.



## Our clear advice

We promise to explain your rights and the legal process to you in a language you will understand. We will listen to you, address your concerns, and advance your interests.



## Our independence

Our firm is a proud, long-standing member of the Australian Lawyers Alliance, a group which fights for the rights of ordinary people. We do not work for big companies or insurers. We will fight for your rights without compromise.



## Our experience

We have acted for tens of thousands of injured Victorians, helping them to achieve financial recovery after injury. Our lawyers have deep and wide experience in all facets of Personal Injury Law, and enviable records of delivering outstanding results for clients.

**For over 25 years, we have acted on behalf of thousands of injured Victorians, helping them to achieve excellent results and financial security.**

## DO YOU HAVE ANY QUESTIONS?

Our Personal Injury Lawyers are here and ready to help you.

**We'll listen to your story and help you move forward with your life. Call us on 1800 242 588 or visit [www.admlaw.com.au](http://www.admlaw.com.au) for a free case evaluation.**



## Our Personal Injury Lawyers are experienced in all facets of Personal Injury Law which include:

WorkCover Claims

TAC Accident Claims

Public Liability Claims

Asbestos Compensation Claims

Superannuation Insurance Claims

Injuries Caused by Negligence

## CONTACT US

Your road to recovery begins with Arnold Dallas McPherson. With offices right across Victoria, we are able to meet the needs of people in both Country Victoria as well as Melbourne Metropolitan regions so that all Victorians can access affordable, clear and concise legal services.

Tel 1800 242 588 | [admlaw.com.au](http://admlaw.com.au)



“The most rewarding aspect of my work is making a fundamental difference in the lives of my clients by obtaining the best possible outcome in their legal matters.”

Kelsey Johnston  
Lawyer

### Disclaimer

This guide outlines important information if you've been injured in a workplace accident within Victoria. Please be aware that the advice given here is of a general nature, and does not constitute legal advice. Liability limited by a scheme approved under Professional Standards Legislation

### Acknowledgement of Country

Arnold Dallas McPherson acknowledges the Traditional Owners of the land on which we work and live across Australia, and recognise their continuing connection to the land and community. We pay respect to Elders past, present and emerging.

  
**ARNOLD DALLAS MCPHERSON**  
INJURY LAWYERS