

WORKERS' RIGHTS WORKERS' COMPENSATION & HEALTH AND SAFETY



Report any injury or accident to your employer, supervisor or safety representative as soon as possible and preferably in writing. A report should be made even if the injury is minor and you don't need time off, as the injury may cause problems later on.

Workers' Compensation

If you are injured at work or become ill as a result of work, you may be entitled to workers' compensation for lost wages, medical and other expenses. Generally you are not entitled to compensation if you are injured travelling to and from work or during your lunch break. Some unions provide this cover for their members or this may be covered in a workplace agreement.

What should I do if I am injured?

- Report any injury or accident to your employer, supervisor or safety representative as soon as possible and preferably in writing. A report should be made even if the injury is minor and you don't need time off, as the injury may cause problems later on.
- Take the names and addresses of any witnesses.
- Ideally, you should keep your own written record of all dates, costs, etc. and keep copies of any forms or documents relating to your injury.

Who can claim?

- Any employee, casual or part-time, permanent or temporary, irrespective of how long you have worked.
- Apprentices and trainees.
- Generally, an 'employee' is someone working under a contract of service for someone else. An employee is subject to directions about what is to be done, how, when and where, with wages paid, tax deducted, and an employee is entitled to benefits such as leave. There are occasions where it is difficult to work out if you are an 'employee'. It is best to lodge a claim if you think you may be entitled to claim.

How do I claim?

If you need time off work or medical treatment, get a WorkCover medical certificate from your doctor and fill in the WorkCover claim form available from:

- Your workplace
- Online at www.workcover.com under the Injury and Claims heading.
- Online at www.employersmutual.com.au

Give the WorkCover claim form and the medical certificate to your employer. If your employer fails to lodge the claim with WorkCover, you should contact WorkCover or Employers Mutual to start the claim process. Employers Mutual is contracted by WorkCover to provide workers rehabilitation and compensation services to injured workers.

What is rehabilitation?

Rehabilitation is extra help to get you back to work or to help you cope at home. It may include services such as help with some home duties, counselling, medical treatment, physiotherapy, occupational therapy or a fitness program. If necessary, it may involve training for a new job and/or assistance in finding a new one.

More Tips

- Seek advice before you put in a claim.
- You do not have to resign because you have an injury.
- When you are receiving workers' compensation, in most cases you can't be sacked without 28 days notice.
- If you think you have been sacked or refused a job because of an ongoing disability (and you are still able to do your job safely), this may be discrimination.
- Acceptable medical and other costs may include fees charged by doctors, specialists, chiropractors, physiotherapists, psychologists and various other practitioners, chemist items, the cost of travelling to and from treatment and replacement of damaged personal belongings.

Workplace Health and Safety

Occupational health, safety and welfare laws state that your employer must make sure you have:

- A safe working place.
- Safe work procedures.
- The equipment, training and supervision you need to work safely.

You have the right to be protected from injury and all other mental and physical health risks whilst at work. This includes things that are not so obvious such as good lighting and furniture and being safe from workplace bullying.

Can I have a say?

Yes. Workplace safety laws provide for the election of health and safety representatives and the establishment of health and safety committees. Health and safety representatives should be trained and allowed time to attend to health and safety issues in the workplace and to represent the interests of the people in their workgroup. If your health and safety representative is unable to resolve the problem, contact SafeWork SA.



Where can I get more help?

Your union

SA Unions
Ph: (08) 8279 2222
www.saunions.org.au

SA Unions Workers Compensation Service

Ph: (08) 8279 2220

WorkCover SA

Ph: 13 18 55
www.workcover.com

Employers Mutual

Ph: 1300 365 105
www.employersmutual.com.au

SafeWork SA

Ph: 1300 365 255
www.safework.sa.gov.au

WorkCover Ombudsman

Ph: 1800 195 202
www.wcombudmansa.com.au

Working Women's Centre

Ph: 1800 652 697
www.wwc.org.au

1st Floor, Station Arcade
52 Hindley Street
Adelaide, SA, 5000

Legal Services Commission

Ph: 1300 366 424
www.lsc.sa.gov.au

82-98 Wakefield Street
Adelaide SA 5000

Young Workers Legal Service

Ph: (08) 8279 2233
www.ywls.org.au

Fair Work Ombudsman (FWO)

Ph: 13 13 94
www.fairwork.gov.au

Level 2, 148 Frome St.
Adelaide SA, 5000

Telephone Interpreter Service

Ph: 13 14 50

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