

**Disclaimer** – This is general guidance only. You should seek advice from your union on your specific industry and circumstances. Applicable enterprise agreements, awards, employment contracts or workplace policies may have more generous conditions for injured and ill workers.

## Workers' compensation and coronavirus (COVID-19)

Injured or ill workers can apply for workers' compensation payments to cover lost wages and medical and rehabilitation expenses, if their illness or injury occurred in the course of their employment.

Eligibility for workers compensation depends on the way in which the scheme in your state or territory defines an eligible worker, a work-related injury or illness, and the required connection between the injury or illness and your work. In all jurisdictions, work must be a 'substantial' or 'significant' contributing factor to the injury or illness.

Workers who are exposed to COVID-19 at work and subsequently contract the virus will have an entitlement to claim lost wages and medical expenses arising from the illness. Each claim will be considered on its individual merits and given the potential difficulty in tracing exposure of COVID-19, it is important that you report any potential exposure as soon as it occurs.

**You may be required to obtain a medical opinion that the illness or injury occurred in the course of employment. You should seek advice from your union if you intend to make a workers' compensation claim arising from COVID-19.**

## Infection risks at work

Significant risks of infection at work include:

- Close contact with a confirmed or suspected case of COVID-19, or something they have touched
- Failure of measures to increase social distancing
- Breaches of infection control measures, such as cleaning of surfaces that people are in contact with e.g. reception desks, meal tables, kitchen areas etc. and easy access to soap and water
- Inadequate Personal Protective Equipment

## Who can apply for workers' compensation?

Workers who contract COVID-19 and have been exposed to a confirmed case of COVID-19 at work should apply for workers compensation.

Workers who contract COVID-19 and who are engaged in work with significant opportunities for exposure (for example, teachers, child-care workers, retail workers, cleaners, healthcare and

community sector workers) can also consider applying for workers' compensation, even if they have not to their knowledge been exposed to a confirmed case at work.

## Psychosocial risks at work

For many front-line workers, the COVID-19 pandemic will already have significantly increased the risk of some workers experiencing greater occupational violence and harassment at work, for example in retail, transport and healthcare. These are already high-risk industries for occupational violence and harassment, and the virus will have exacerbated these risks.

For workers who have regular physical contact with people as an inherent part of their job, inadequate infection control measures may cause them serious anxiety. Workers who work with groups of people indoors are at higher risk than the general population.

Employers must take all reasonably practicable measures to protect workers from experiencing physical or psychological harm as a result of increased psychosocial risks arising from COVID-19.

Workers who suffer a physical or psychological injury at work as a result of psychosocial risks related to COVID-19 can consider making a claim for workers' compensation.

## Working from home

Health and safety laws apply to working from home as well. If you become ill or injured as a result of COVID-19 in the course of working from home, you should seek medical advice and consider making a claim if work is a significant or substantial cause of your illness or injury.

In the case of COVID-19 exposure in a home office environment, you should contact your union for advice. These are emerging issues and are yet to be tested in the workers' compensation system.

## To make a claim for workers compensation follow these basic steps:

1. Notify your employer in writing via accident book or email or other means as soon as you become ill or have been diagnosed.
2. Visit your doctor, **not the company doctor**. You have a right to visit the doctor of your choice. Tell your work history to the doctor. Obtain a medical certificate. Your employer is not entitled to come to this appointment and it is advised that if you would like a support person with you that you should bring a friend or family member (subject to appropriate protections relating to COVID-19)
3. If your employer or their representatives insist that you must attend their doctor, it is essential you get that request in writing. Inform your employer that you are getting advice. Contact your union.

4. Do not let an employer representative attend your medical appointment. Medical appointments are private. If a case conference<sup>1</sup> is organised, then speak to your union and make sure you have a support person or representative with you, always.
5. Get your doctor to fill out the workers compensation forms if applicable in your state or territory. (See links below)
6. Fill out your section and provide the completed claim form to your employer along with any medical certificate. This can be provided by email.
7. If your employer refuses to or delays notifying the insurer, then do it yourself. Your union may assist in this. Some states and territories have online notification/reporting systems.
8. Keep copies of everything, including details of:
  - a. when and how you believe you were exposed,
  - b. your symptoms and when you started experiencing them,
  - c. when you told your employer,
  - d. when you visited the doctor,
  - e. when your employer or their insurer spoke with you – either in person or over the phone.
9. Speak to your union delegate. Never meet with anybody without your delegate and request all questions be in writing.
10. If there is a case of COVID-19 at work the Health Department may ask you to provide details of who you have been in contact with. Follow their instructions. If you contract COVID-19 your privacy will not be guaranteed as contacts will need to be followed up by the Health Department.

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<sup>1</sup> A case conference is a meeting (either in-person or over the phone) with the worker, the nominated treating doctor and either some, or all, of the other members of the support team such as the insurer, employer and a workplace rehabilitation provider.

## See alerts for further information about COVID-19

Remember: if you are unsure — ask for help. Talk to your delegate or union.

### Comcare

[https://www.comcare.gov.au/prevent-harm/coronavirus?utm\\_source=website&utm\\_medium=latest\\_news&utm\\_campaign=coronavirus](https://www.comcare.gov.au/prevent-harm/coronavirus?utm_source=website&utm_medium=latest_news&utm_campaign=coronavirus)

### QLD

<https://www.worksafe.qld.gov.au/claims-and-return-to-work/novel-coronavirus-covid-19-faqs>

### Western Australia

<https://www.workcover.wa.gov.au/news/workers-compensation-coronavirus-covid-19/>

### Victoria

<https://www.worksafe.vic.gov.au/claims-process-workers>

### NSW

[https://www.sira.nsw.gov.au/theres-been-an-injury/what-to-do-first?SO\\_VARIATION\\_317713=0#Workers\\_compensation](https://www.sira.nsw.gov.au/theres-been-an-injury/what-to-do-first?SO_VARIATION_317713=0#Workers_compensation)

### SA

<https://www.rtwsa.com/claims/when-an-injury-occurs/report-an-injury>

### NT

<https://worksafe.nt.gov.au/workers-compensation/information-for-workers>

### Tasmania

[https://worksafe.tas.gov.au/\\_data/assets/pdf\\_file/0007/563173/COVID-19-and-Workers-Compensation-in-Tasmania.pdf](https://worksafe.tas.gov.au/_data/assets/pdf_file/0007/563173/COVID-19-and-Workers-Compensation-in-Tasmania.pdf)

### ACT

[https://www.accesscanberra.act.gov.au/app/answers/detail/a\\_id/2989/kw/how%20to%20make%20a%20workers%20compensation%20claim#!tabs-2](https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/2989/kw/how%20to%20make%20a%20workers%20compensation%20claim#!tabs-2)