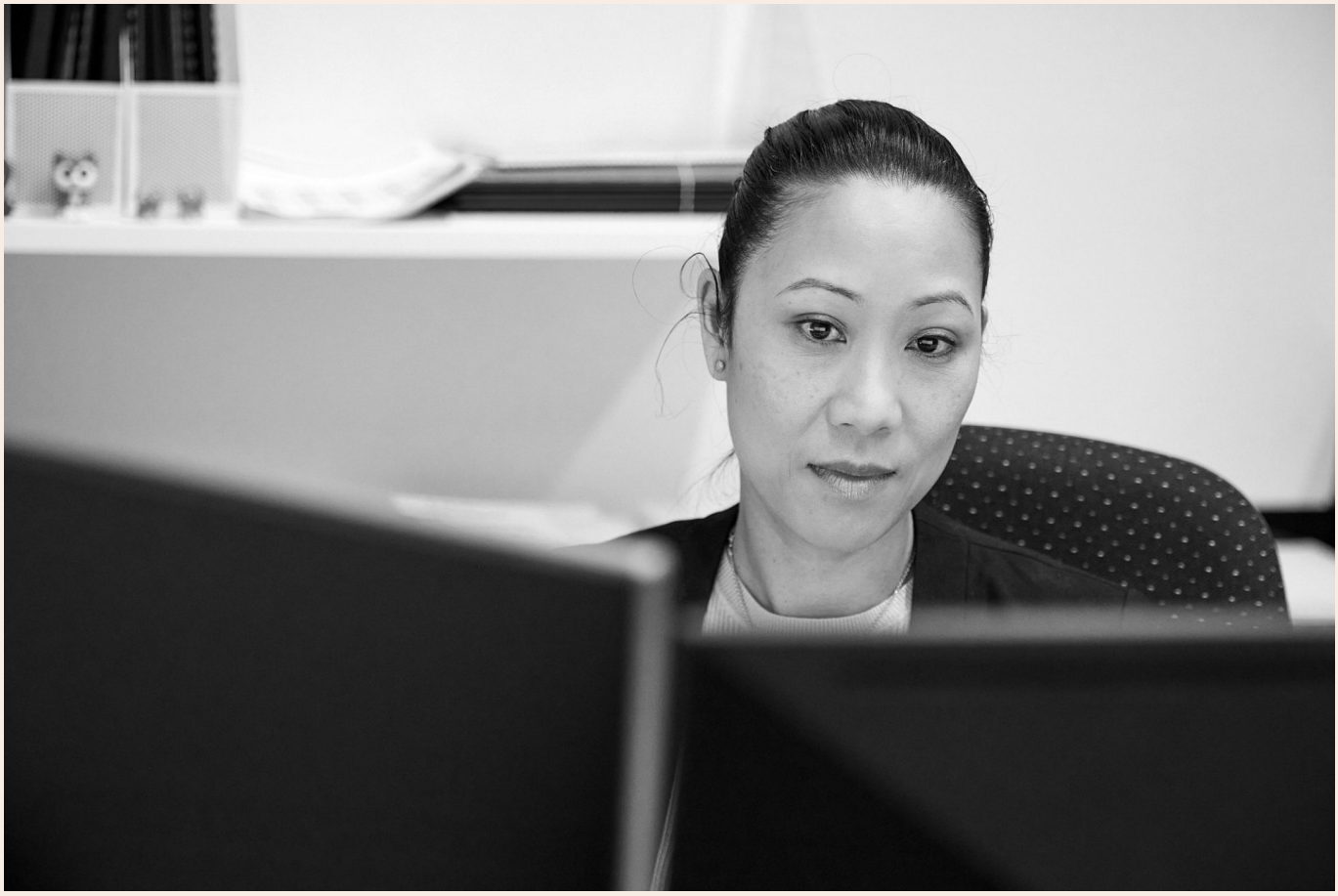


There are consequences if you delay reporting a workplace injury

We frequently work with clients who have had their legitimate workers compensation claims rejected by their employer or Return to Work SA. Often the rejection is based on sound reasoning, but it can also be rejected if it's believed the injury may not have occurred at work or did not arise out of or in the course of employment. In other cases, Return to Work SA (or the self-insured employer) may decide to reject a claim if that injury was not reported in a timely fashion.

Although reporting workplace injuries can be confronting and workers can be apprehensive about reporting an injury to management, it is important that reporting occurs as soon as possible.

Formally reporting an incident is the preferable course of action, however an informal conversation with a colleague or supervisor immediately following the incident could assist with a disputed claim in future.

Many people feel that if they injure themselves at work, they will wait a few days to see if the pain will go away as they do not want to over react or go to the trouble of reporting an incident. This approach can be very risky and could result in the injured worker's compensation claim being rejected.

Workers who injure themselves on Fridays in particular often feel that they will rest over the weekend and see how they feel on the following Monday before reporting the incident. However, when they finally report the incident on the Monday and lodge a workers compensation claim form, due to the delay in reporting the incident, the workers compensation insurer could argue that the injury occurred outside of work over the weekend, and did not arise out of or in the course of employment.

It may then become difficult to rebut the insurer's position, especially if the worker is involved in sporting or other activities over the weekend that could have caused the injury (for example, playing football or working around the house and garden).

The longer a worker delays reporting an incident and/or lodging a workers compensation claim, the harder it will be to prove that the injury is work related.

Some workers feel that lodging a claim will have negative consequences for their employer (for example, increased workers compensation premiums) and they do not want to be seen to be causing trouble. However, workers need to protect themselves and their legal interests.

If you suffer a workplace injury and do not report it in a timely manner, your claim may be rejected. This means you will lose the opportunity to claim income maintenance (your weekly pay) or have any associated medical expenses paid for, or even obtain further compensation. Also, your employer may be able to terminate your employment if it becomes clear your injury prevents you from performing the requirements of the job.

If your claim for workers compensation has been rejected, or you have been injured at work and want to know your rights, please get in touch with one of the workers compensation lawyers at Andersons who can discuss the matter with you.

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