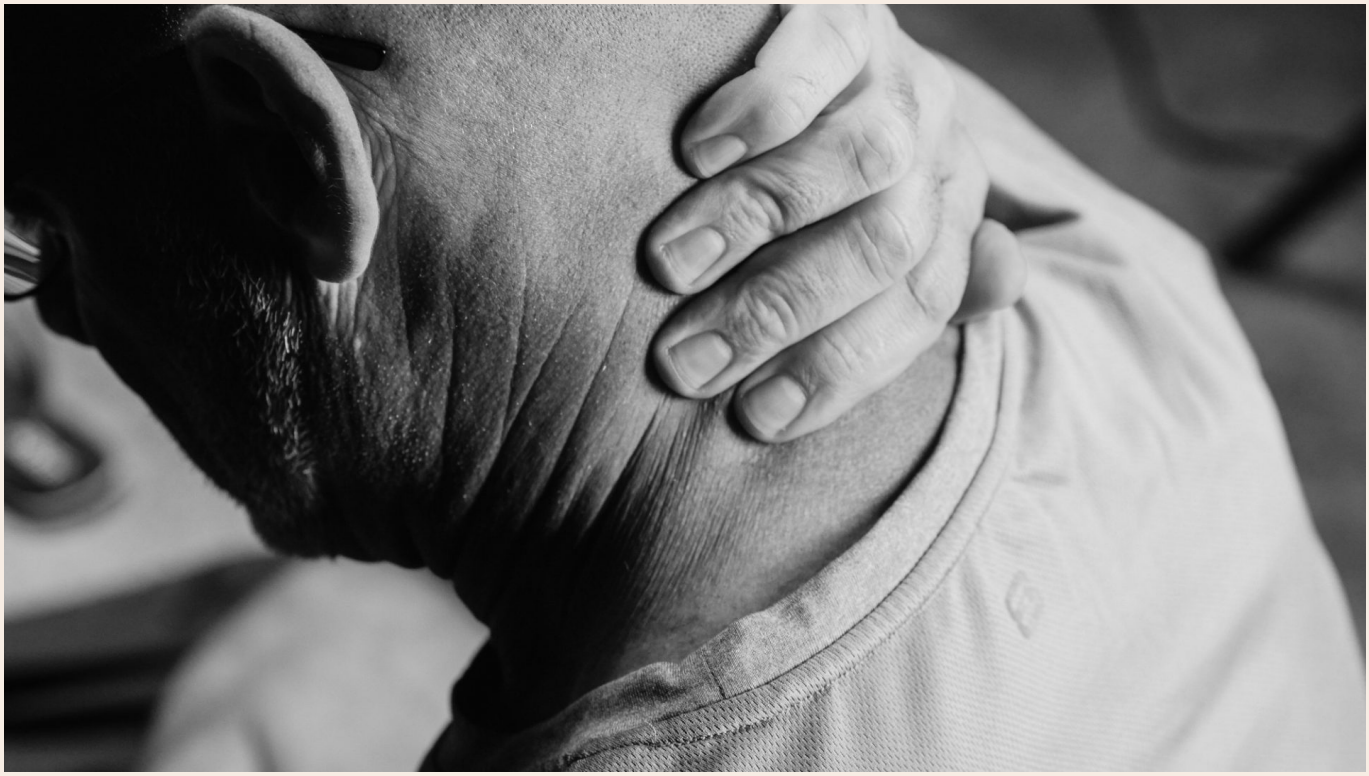


What if my employer encourages me not to lodge a Workers' Compensation claim?

Clients often come to us seeking advice about what to do when they have suffered an injury in the workplace and their employer has discouraged them in lodging a **workers' compensation claim**.

What is Workers' Compensation?

Workers' compensation is a form of insurance paid to workers if they are injured at work or become sick due to their work. Injuries can often be serious requiring ongoing medical treatment or medication.

Unfortunately, in some situations, workers have advised us that their employers have told them not to submit a workers' compensation claim form (either Return to Work or Comcare), and some employers have even threatened the worker's ongoing career if a claim is submitted. Due to these threats, many clients are hesitant to submit a compensation claim as they're worried about the security of their employment.

Employers, understandably, can be concerned about workers submitting claims for compensation, because premiums that the organisation will have to pay to Return to Work is dependent on the claims history of the specific organisation.

This means that a workplace that has numerous incidences of workers getting injured at work will likely pay more in premiums compared to an organisation which has fewer work-related injuries.

If an organisation is 'self-insured' (that is, they manage their own workers' compensation claims internally including paying the medical expenses and income maintenance of injured workers), a claim can cost the organisation significant sums of money.

This approach is contrary to the purpose of the South Australian Workers' Compensation Scheme; employers should not be actively discouraging the lodgement of legitimate workers' compensation claims.

What should I do if I suffer a workplace injury?

If you are suffering from a legitimate or 'compensable' work-related injury, you should be covered for:

- reasonable medical expenses (you may need to purchase pain relief or other medication, see a physiotherapist or have surgery to repair any serious damage);
- rehabilitation;
- income maintenance (weekly wages).

If you need to take time off work and have an accepted Return to Work claim, you do not need to use your personal sick leave or annual leave; you should be entitled to 'income maintenance'.

The legalities around the payment of income maintenance are complex and won't be covered in this article, however in general, if your injury has resulted in you having to reduce your hours or take time off work, Return to Work or the self-insured employer should be paying your income.

You may also be entitled to lump-sum compensation for non-economic loss (pain and suffering as well as economic loss) if your injury is so severe that it has resulted in 'permanent impairment'. However, you must have an accepted workers compensation claim to claim this compensation.

There are many other entitlements and rights associated with an accepted workers' compensation claim that have not been raised in this article.

If you are injured at work but do not lodge a claim, you are putting yourself at risk.

How can Andersons Solicitors Help?

If you have been injured at work, but your employer is pressuring you not to lodge a claim, you can contact a **compensation lawyer** at Andersons for more information and legal advice, or call us on 8238 6666.