



Making a Comcare workers compensation claim

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If you are an employee of an organisation covered by [Comcare](#) (whether employed full-time, part-time or casual), and you suffer an injury at work, you can claim compensation under the *Safety Rehabilitation & Compensation Act 1988* (Cth).

Whilst there is no guarantee that your Comcare claim will be accepted (and each case is assessed independently based on its own merits) the following should be kept in mind when you injure yourself and you contemplate lodging a Comcare claim.

- 1. Notify your employer** that you have suffered the injury/disease as soon as possible. Delayed reporting of the injury often causes problems in the future when you do decide to lodge a Comcare claim. The longer you leave it to report the injury, the harder it will be to successfully claim compensation. This is because as more time passes, it becomes increasingly difficult to prove that your injury/disease was caused by an incident at work, rather than a non work related matter.
- 2. Choose your own doctor.** If you report the injury to your employer, they may require you to seek treatment from their own company doctor. Understandably, you may not feel comfortable about this. You have a right to seek medical treatment from your own preferred doctor. Similarly, your employer may ask you to sign documentation authorising the employer to liaise directly with your doctor/s and even be present with you during medical consultations. We recommend that you do not sign any such document without first seeking legal advice.
- 3. Report the injury/disease to your GP.** Even if you do not report the injury/disease to your employer (perhaps because you are worried that you could lose your job), you should seek medical advice from your doctor. If your claim is rejected, the doctor's records can be used to corroborate your version of events.
- 4. Keep as much information as possible** regarding your injury and your claim. If you have filled out an incident report form at work, try and obtain a copy of this form. If you purchase medication for your injury/disease, including pain killers, heat packs, bandages, therapeutic equipment, etc, keep the invoices. Keep a copy of any correspondence from your employer relating to your claim. Even making a short entry in your diary can often help your case in the future if a dispute arises.

5. **Obtain a medical certificate** from your GP confirming the nature of your injury/disease, the date the injury/disease occurred, the details of any work restrictions and/or details of any time you need off work.
6. **Lodge a claim for compensation.** The Comcare claim form is quite complex and lengthy, and you should seek advice from a lawyer experienced in this field in relation to correctly completing this form. Mistakes on the form can jeopardise your claim;
7. **Keep an eye out for discrimination.** If your employer or colleagues start treating you differently or discriminate against you because you have suffered a workplace injury and lodged a claim, this should not be tolerated. The law protects workers when they pursue a workplace right, including claiming workers compensation.

The Comcare system is very complicated, and the law is constantly evolving with new matters being disputed all the time. If you are injured or suffer a disease caused by your employment, and your employer is covered by the Comcare system, you should seek legal advice from a lawyer experienced in [workers compensation claims](#), as soon as possible.

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