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LawTalk Blog



There are consequences if you delay reporting a workplace injury

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Every day we speak with clients who have had their legitimate workers compensation claims rejected by [Return to Work SA](#) or their employer. Often the rejection is based on sound reasoning, but many times the rejection is simply based on a belief that the injury did not occur at work or the injury did not arise out of or in the course of employment.

"Even a delay in reporting the injury of more than 24 hours can be sufficient justification to reject a valid workers compensation claim."

Return to Work SA (or the self-insured employer) often rely on the fact that an injury was not reported in a timely fashion when they decide to reject the claim. Even a delay in reporting the injury of more than 24 hours can be sufficient justification to reject a valid workers compensation claim.

Although reporting workplace injuries is frustrating 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 preferable, but even an informal chat with colleagues and/or supervisors immediately following the incident could assist with a disputed claim going forward.

Alternatively, taking contemporaneous notes (notes immediately after the incident) about the incident could also assist your case. Make sure you date and time your notes.

"A recent client was able to win her case because she sent herself an SMS message on her mobile at the time of the incident."

A recent client was able to win her case because she sent herself an SMS message on her mobile at the time of the incident. She did not formally report the incident for some weeks, but was able to show that an incident occurred based on her telephone

message.

Many injured people feel that if they injure themselves at work, the pain will go away after a couple of days, so they do not want to go to the trouble of reporting an incident. This can be very risky to an injured worker.

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, the claim is often rejected.

The workers compensation insurer predictably argues that the injury likely occurred outside of work time over the weekend, and did not arise out of or in the course of employment. It often becomes difficult to rebut the insurer's contention, especially if the worker is involved in sporting or other activities over the weekend that could have caused the injury (for example, work around the house and garden).

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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 ramifications for their employer (for example, increased workers compensation premiums) and they do not want to be seen to be 'trouble-makers'. But workers need to protect themselves and protect their legal interests.

If you suffer a workplace injury but your claim is rejected because you did not report it in a timely fashion, you will lose the opportunity to obtain [income maintenance](#) (your weekly wages), have [reasonable medical expenses](#) paid for, obtain further compensation, etc. Also, your employer may 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, get in touch with us.

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.