

## **Workers Compensation Benefits**

If you suffer an injury at work, or during a journey to or from work, you may be eligible for a range of Worker's Compensation benefits. Each person's benefits will be different, and need to be calculated according to the specific circumstances of each case. The outlines below provide a general guide only.

### **Weekly Benefits**

If you are totally unfit to work following your injury, your compensation will be made at the award/enterprise agreement rate of pay, capped at a maximum weekly amount. You should note that overtime, shiftwork, expenses and penalty rates are excluded from this amount. If you are a casual worker not employed under an agreement or an award, payments are based on what you earned over the last 12 months prior to your injury.

The maximum amount is paid for 26 weeks only. After that the payment is made at a lower rate, determined by statute, which varies depending on whether you have a dependant spouse and/or children.

If you can return to part-time work (partial duties) after your injury, but earn less than you did before the injury, you are entitled to 'make-up' pay. This is the difference between your normal gross weekly wage before the injury (including overtime, shiftwork, expenses and penalty rates) and your actual weekly earnings after the injury. Again, the maximum you can earn is limited by statute. For the first 26 weeks

you can earn your award/agreement rate (or 80% of average weekly earnings if you are not on an award), however after that your payment will be at a lower rate capped at a maximum amount.

If there are no suitable part-time duties available, and you are actively seeking work or rehabilitating, you can receive a special payment at the award rate of pay for the first 26 weeks after injury, and at 80% of the award rate for another 26 weeks. After 52 weeks this payment will cease.

### **Permanent Impairment Benefits**

If your injury leaves you with a permanent impairment you may be entitled to a separate one-off payment in addition to your weekly benefits.

If your permanent impairment is assessed at 10% of a Whole Person Impairment (WPI) you may also be eligible for 'pain and suffering' compensation as an additional benefit. The maximum amount payable for pain and suffering is limited by statute.

Your degree of permanent impairment must be assessed by a suitably qualified medical specialist. If you are assessed at 1% or more WPI, you will be eligible for a benefit. For hearing loss claims, a minimal level of 6% binaural hearing loss must be present. You may also claim for permanent psychological or psychiatric impairment however a minimum level of 15% permanent impairment must be present.

## **Medical and Other Costs**

Depending on the severity of your injury you may also be eligible for all or some of the following benefits:

- Medical/physio treatment
- Hospital treatment
- Ambulance
- Occupational Rehabilitation
- Damage to artificial aids
- Damage to clothing
- Car travel expenses to attend appointments for medical and other treatment.

## **Death and Funeral Benefits**

On the death of a worker as the result of a work-related injury, weekly and lump-sum benefits are payable, together with payment for reasonable funeral expenses, if the worker leaves dependants. If the worker leaves no dependants, just the reasonable funeral expenses will be paid.

*The information contained in this article is of a general, non-specific nature and should not be relied in place of your own individual legal advice. This information may not be appropriate for your particular circumstances and you should contact a solicitor before acting on any information contained in this article.*