



4 Phases of making a Workers'  
Compensation Claim

***Phase Two:***

**Claim Review  
and Decision**

# Overview & Who's Involved



## Overview

Once you submit your workers' compensation claim to your employer, the claim is then passed on to an insurer (also called a claims agent). The **insurer is responsible** for deciding whether to accept or reject your claim.

## Who's involved in this phase?

- ✓ You (The Worker)
- ✓ The Agent\*
- ✓ The employer
- ✓ Nominated representative



### In some cases, this phase may also involve:

Your doctor (GP) or surgeon



Other healthcare practitioners  
(e.g. physiotherapist, psychologist)



\*Agent = the organisation managing the claim. Sometimes this is the employer, but most often an insurance company.

# What happens next?

The insurer will look at the information you provided with your claim.

In many cases, this information is enough for them to make a decision. Sometimes, they may need more details.

**Important:** If you work for a large organisation, your employer might also be the insurer (called a self-insurer). In that case, the employer decides whether your claim is accepted or not.

## Additional information can include:

- ✓ Further information from your employer
- ✓ Reports from your treating doctor
- ✓ Asking you to attend an Independent Medical Examination (IME) with another doctor they choose



## How long do they have to decide?

The insurer must make a decision within a set time limit – **usually 28 days.**

This time frame can vary slightly depending on:

- Which **state or territory** you live in
- What type of **injury or illness** you have

# Before your claim is accepted



**Before your workers' claim is accepted,** the agent need to find out whether:



You meet the criteria of an **'employee'**



The injury or illness occurred **during** your employment



The injury or illness resulted in **time off work** and/or medical expenses

For each of these things, there are specific criteria that need to be met.

**These are written down in the legislation.**

## What Are 'Presumptive Rights' Claims?

In some rare cases, a workers' compensation claim will be **automatically accepted**.

This usually happens when a worker:

- Has developed a **specific disease**
- Has worked in a job where they are much **more likely** to get that disease (eg: certain cancers in firefighters).

These are called **'presumptive rights claims'** because the law presumes the illness was caused by the job, and the worker doesn't have to prove it.



### *Acknowledgement*

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