

A close-up photograph of a person's hands holding a white envelope. The person is wearing a dark long-sleeved shirt. In the background, a laptop is open on a desk, and there are several papers and a clipboard with a pen on the desk surface.

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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