

A man with a beard and mustache, wearing a denim shirt over a grey t-shirt, stands in a workshop or industrial setting. The background shows wooden walls, a window with multiple panes, and various tools and equipment. The lighting is warm and focused on the man.

**BLOW  
THEIR  
COVER**

A helpful guide to  
**your rights as an  
injured worker**

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# Injured on the job? **You have rights.** Don't let anyone tell you otherwise.

We've seen too many cases where an employer tries to discourage an employee from making a workers' compensation claim. They'll tell you things like, **"It's not serious enough"** or **"I'll cover the medical bills, don't worry."**

They're not looking out for you. They're looking out for themselves.

We've created this document to help you understand your rights, avoid common misconceptions, and give you the tools to navigate a claim, should the worst happen.



## ONE

# Debunking workers' compensation **misconceptions**

### **Myth: "I will lose my job if I make a claim."**

It is illegal for an employer to terminate your employment just because you have lodged a workers' compensation claim, so the notion of losing your job because you make an injury claim is simply false.

### **Myth: "It's not worth the hassle."**

Although at face value, making a claim can seem daunting, we often see people underestimate the impact their injury has on them long term. In some cases, people have been found spending years in pain and under a mountain of medical bills because they thought they could, or had to, manage their injury on their own.

The benefits of making a workers' compensation claim far outweigh the effort involved and can provide crucial support during your recovery.

### **Myth: "My employer will take care of me."**

Your employer's primary concern is the wellbeing of the business, and while some employers may offer assistance, there's no guarantee they'll maintain that support as long as you need it.

A workers' compensation claim ensures:

- that your treatment expenses are met without having to rely on your employer
- you are not left without an income or having to exhaust your leave entitlements while unable to work, and
- safeguards your future entitlements regardless of their actions or financial situation.

### **Myth: "I'll cause trouble if I make a claim."**

Lodging a claim is not about causing trouble, but about accessing your rights and ensuring you receive the support you need to recover and rehabilitate. The workers' compensation system exists as a safety net designed to protect injured workers and promote workplace safety.



For more myths and misconceptions, visit the [Shine Lawyers website](#).



According to WorkSafe Queensland,

**90,000+**  
**people**

exercised their rights to make a claim in 2022<sup>1</sup>.

<sup>1</sup>. Queensland workers' compensation scheme statistics 2022–23 ([worksafe.qld.gov.au](https://www.worksafe.qld.gov.au))





## TWO

# The importance of **expert** legal representation

While it is possible to represent yourself legally, navigating the complexities of the workers' compensation system can be daunting, particularly when dealing with state agencies, insurance companies and their legal representatives.

Engaging an experienced [workers' compensation lawyer](#) can not only enhance the possibility of you receiving the compensation you're entitled to, but also allow you the time you need to focus on your recovery.

**Lawyers can provide assistance in:**

- 1 Understanding your rights**  
A lawyer can explain the relevant legislation and case law, ensuring you are fully informed about and understand your [entitlements and obligations](#).
- 2 Gathering evidence**  
They can assist in collecting and preserving crucial evidence, such as medical reports, witness statements, and expert opinions, to strengthen your claim.
- 3 Negotiating with insurers**  
A lawyer can negotiate with insurance companies on your behalf, advocating for your interests and maximising your compensation.
- 4 Representing you in court**  
If your claim proceeds to litigation, a lawyer will provide skilled representation, present your case persuasively, and protect your rights throughout the legal process.



## THREE

# Making a claim

To lodge a workers' compensation claim, the steps you need to take depend on your location, but generally follow a similar process:

### 1 Notify your employer

It's important to immediately inform your employer about your work-related injury and keep any relevant information and documentation relevant to this conversation. Retain any photographs, witness details, text messages, job sheets and work rosters. Complete an injury register or incident report if it's available to you.

### 2 Seek medical attention

Get prompt medical treatment when injured at work. If you don't need to go to emergency visit your own doctor – and explain what has happened and that it happened at work. The doctor must document everything thoroughly and accurately, and if applicable, ask them for a certificate of capacity.

### 3 Lodge a claim

Search for your local workers' compensation authority or provide the required claim form and certificate of capacity to your employer and lodge your claim. The claim form may require supporting documentation, including medical reports, witness statements, and other relevant evidence. You may also need to lodge your claim with your employer (if this is not the first step in lodging it).

### 4 Talk to a lawyer

A lawyer can help you gather all the documentation and medical evidence required to support your claim. When you have all the information they can also advise on the best way forward to pursue your claim.



#### Ensure you seek the appropriate approach for your state or territory

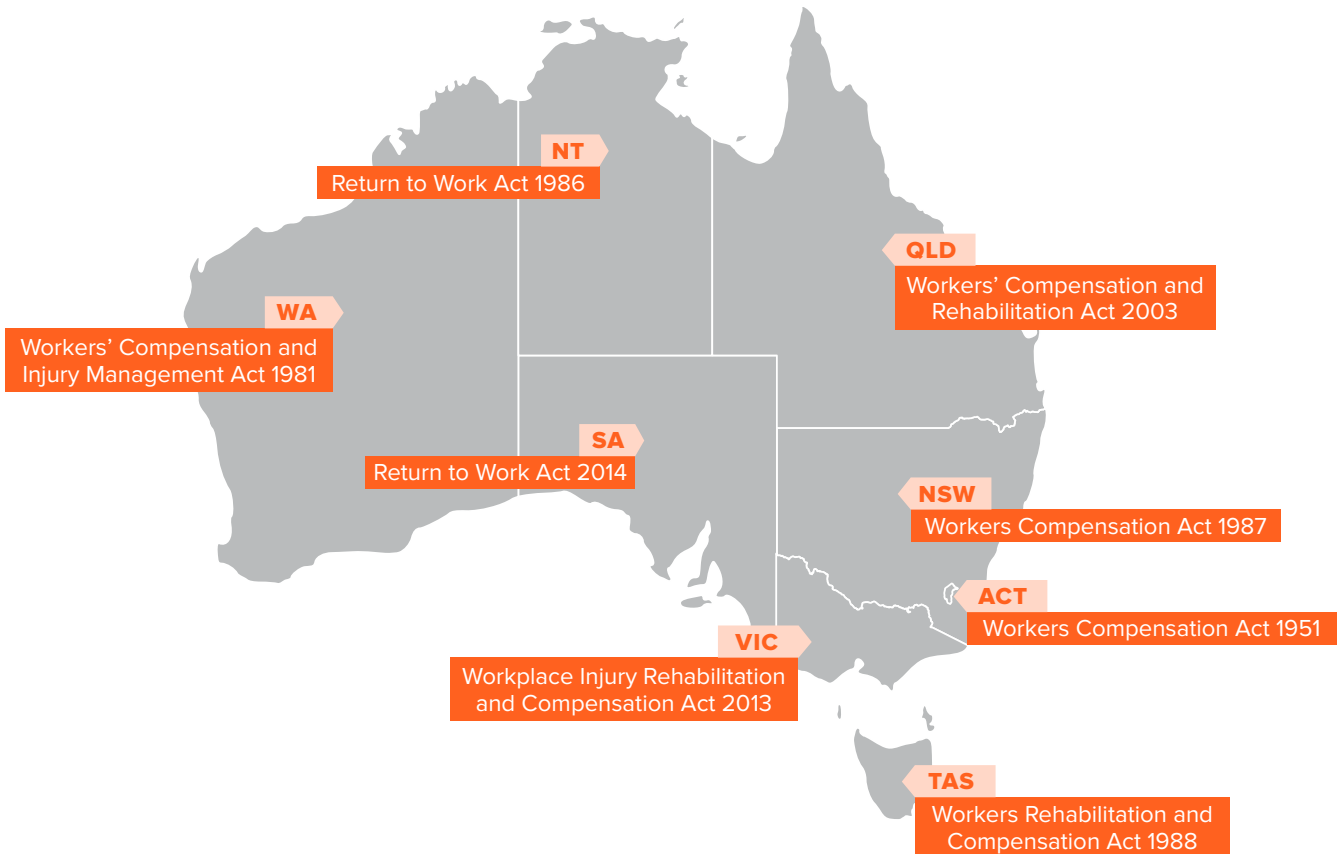
Failing to follow the proper process can seriously impact your claim and may result in delays or complete denial, putting your access to assistance at risk. It's imperative to act promptly, with all the supporting documentation, when pursuing your entitlements.



## FOUR

# Understanding **your rights**

The laws governing your rights following an injury at work vary from state to state (and territory), and each has its specific legislation:



In short, if you are self-employed\*, employed full-time, part-time, or casually you can make a worker's compensation claim if you have been injured at work.

### **Injuries and diseases that are covered include (but are not limited to):**

- Amputations
- Back injuries, including [spinal injuries](#) and [slipped or bulging disc injuries](#)
- [Burn injuries](#)
- Chemical exposure
- Death and dependency claims
- Fractures
- [Industrial deafness](#)
- Lacerations
- [Lifting injuries](#)
- [Neck injuries](#)
- [Occupational asthma](#) or a [lung disease](#)
- [Psychological injury](#) and [stress claims](#) (including psychological injuries caused by witnessing a serious accident)
- Repetitive strain injuries
- [Toxic exposure, silica and dust diseases](#)

It's important to note that specific eligibility criteria and the extent of benefits can vary depending on the state or territory and the circumstances of your injury.

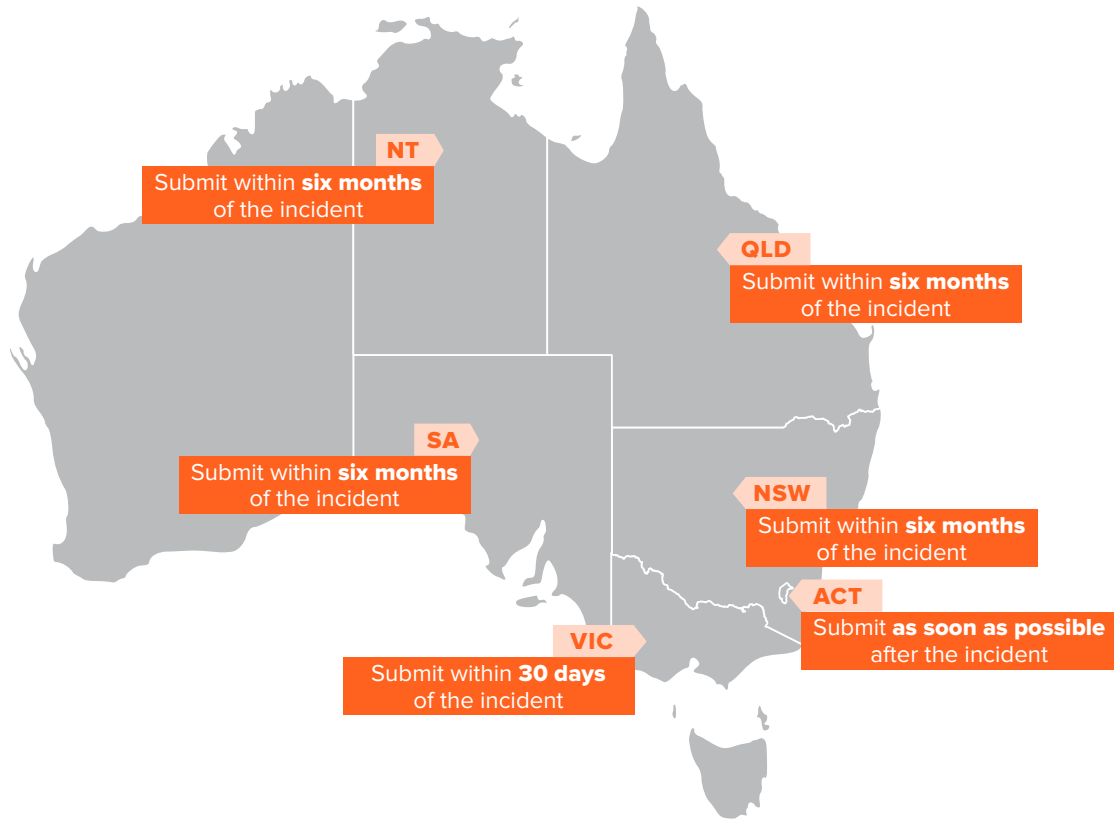
\*In certain circumstances



**FOUR**

# Understanding **your rights** – continued

Strict **time limits** also apply to lodge a worker’s compensation claim with the relevant authority:



If your claim is accepted, the benefits typically covered under workers’ compensation claims include:



### Medical expenses

Coverage for reasonable and necessary medical treatment, including hospitalisation, medication, rehabilitation, and assistive devices.



### Lost wages

Compensation for income lost due to your inability to work, typically calculated as a percentage of your pre-injury average weekly earnings.



### Rehabilitation costs

Financial support for vocational rehabilitation and retraining programs to assist you in returning to suitable employment.



### Lump sum compensation

In cases of permanent impairment or significant disability, you may be entitled to a lump sum payment.



### Death benefits

If someone tragically dies because of a work-related injury or illness, their dependents may be eligible for financial support.



FIVE

## Protect what matters and seek the right legal support

Do not be silenced or deterred from pursuing your rightful entitlements following an injury at work. Remember, you are not alone.

Shine Lawyers is here to support you and guide you through the legal process to ensure you receive the compensation and support you deserve.

Your health, well-being, and financial security are paramount. By asserting your rights and seeking the right legal support, you can confidently navigate the workers' compensation system and protect what matters.

To arrange a confidential, obligation-free discussion, please contact us at:

**shine.com.au** or call **13 11 99**



**SHINE  
LAWYERS**

RIGHT WRONG.