

# COVID-19 and the impact on WorkCover rights

## Can I lodge a WorkCover claim if I am diagnosed with COVID-19?

Yes. If you believe that you have contracted COVID -19 because of your work, you can lodge a WorkCover claim.

## Where can I get a WorkCover Claim form?

[www.gordonlegal.com.au](http://www.gordonlegal.com.au)  
[www.worksafe.gov.au](http://www.worksafe.gov.au)

## Will my WorkCover claim be accepted?

Each WorkCover claim will be assessed by the insurer on an individual basis.

The WorkCover legislation applies a different test for assessment of diseases contracted due to employment. For the claim to be accepted you must demonstrate that the “nature of the employment gave rise to a significantly greater risk of the worker contracting the disease than had the worker not been employed in employment of that nature”.

In most cases contact tracing by the Department of Health and Human Services may assist to determine whether you contracted COVID-19 due to work or another cause. If you have this information ensure you provide details of the exposure with your claim form.

## What will be important in the insurer’s consideration of my WorkCover claim?

We would anticipate that factors which demonstrate exposure to COVID-19 in the course of your employment to be most relevant.

It will be helpful to the insurer’s consideration to have the following information (if relevant to your circumstances) on your claim form.

- Does your work cause you to come into contact with people suffering from COVID-19?
- Does the type of work you do cause you to be in contact with people that you know have been diagnosed with COVID-19?

- Does the building, shared spaces, corridors, staff amenities etc where you work, cause you to come into contact with people who have been diagnosed with COVID-19, or who were exposed to people who have been diagnosed with COVID-19?

## If I have been diagnosed with COVID-19 and I am self-isolating, how do I lodge my WorkCover claim?

We recommend you contact the Human Resources team at your employer and ask them to provide an email address for you to send your completed form.

If you are emailing a claim form to the email address provided by your employer, please ask that they confirm receipt of the claim form.

You should keep a copy of that email as that will become the date from which the time for assessment of the claim commences.

The law requires that you be provided with a response to your claim within 38 days of it being lodged.

If the Human Resources team are not able to assist you with a method for lodgement, immediately contact your union organiser or union for assistance.

## How do I obtain a Certificate of Capacity to lodge with my WorkCover Claim?

To access weekly payments you must submit a Certificate of Capacity. Call your GP clinic and ask the Practice Manager how they are managing WorkCover consultations at present.

Worksafe have introduced access to telehealth consultations with medical practitioners.

Your treating medical practitioner will be able to access telehealth codes for processing of payment from the Worksafe website.

## What if my claim is rejected?

If your WorkCover Claim is rejected contact your union to discuss your options to dispute the insurer’s decision within 60 days of the decision. If required your union will refer you to Gordon Legal who can assist you.

How to get in touch

[www.gordonlegal.com.au](http://www.gordonlegal.com.au)

If you would like to discuss any aspect of this bulletin further, please contact Carol Saunders, Union Relationship Manager on 03 9603 3005

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