

Wednesday 19 January 2022

CORONAVIRUS (COVID-19)

Update 66

Test positive? COVID-19 stressed? Make a workers compensation claim

If you test positive to COVID-19 or believe you have been impacted psychologically, ANMF **strongly recommends** you make a WorkCover claim.

In addition to the information below ANMF lawyers Gordon Legal have prepared an information sheet [PDF] for members about COVID-19 and lodging a WorkCover claim available via <https://anmfvic.asn.au/workcovergl>

If you are employed by Ramsay Health, the Australian Defence Force or Medibank please read COVID-19 newsflash 66a about how to make a Comcare claim via <https://bit.ly/3GfKjwF>

1. I'm COVID positive, but my employer is discouraging me from making a claim because of the high rate of community transmission? Should I still make a claim?

Yes. You don't have to prove you contracted COVID-19 in the workplace. You have to prove you belong to a high-risk work group. Nurses, midwives and personal care workers generally belong to a higher-risk group.

It is also important to make a WorkCover claim because you don't know how you will be affected by your illness in the future. ANMF is supporting members who contracted COVID who are still unwell weeks and months later.

If you have contracted COVID, it is important that you include in your form details of your exposure to COVID, and how it links to your employment. This doesn't have to be a definitive record of when you contracted COVID, but that your employment gave rise to a significantly greater risk of contracting the disease.

Authorised by Lisa Fitzpatrick ANMF (Vic Branch) Secretary

2. I'm stressed and burnt out. Can I make a claim?

You can. The workers compensation scheme in Victoria covers work-related mental injury, as well as physical. It provides the same entitlements and benefits in relation to weekly payments (if you are unable to work, or only partially able to work), as well as medical and like expenses such as psychologist or specialist appointments, and home assistance, rehabilitation, prescriptions etc.

Also, new legislation for Victorian workers suffering from a work-related mental health injury provides access to provisional payments for early treatment and support while they await the outcome of their claim. This is to make sure that workers don't have to wait for their claim to be approved before they can start being treated for their mental injury, and to start the treatment and recovery process as soon as possible.

If you make a WorkCover claim for a mental health injury, you will be eligible for up to 13 weeks of treatment costs, irrespective of whether the claim is ultimately accepted or rejected. Earlier access to payments means you can receive treatment sooner enabling earlier recovery.

3. How do I make a claim?

The first step to making a claim is to complete a WorkSafe claim form via worksafe.vic.gov.au/resources/workers-injury-claim-form.

If you are claiming for weekly payments, you also need to have an appointment with your GP (or another GP if you are unable to get an appointment with yours) to complete a WorkCover Certificate of Capacity. This can be done in person or via telehealth. It is different to a normal medical certificate, and the GP will have access to this form. If you are claiming for medical expenses only, you don't need the Certificate of Capacity.

We recommend that you contact the human resources team at your employer and ask them their preferred method to accept your claim form. In these circumstances we anticipate that employers will not object to receipt of the claim form by email. If you are emailing a claim form to the email address designated 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.

If the human resources team are not able to assist you with a method for lodgement, immediately contact the ANMF for assistance.

Contact ANMF Member Assistance via anmfvic.asn.au/memberassistance for advice and referral where necessary to assist with your claim.

4. What if my claim is rejected?

If your claim is rejected, contact ANMF Member Assistance straight away via anmfvic.asn.au/memberassistance for advice to assist with your claim, and referral to Gordon Legal or Union Assist where necessary.

ANMF Job Reps and Health and Safety Reps are encouraged to display this newsflash on their workplace noticeboard.

Authorised by Lisa Fitzpatrick ANMF (Vic Branch) Secretary