# WORKERS COMPENSATION CHECKLIST

This template checklist is intended to assist member businesses develop their own workplace checklist. The following information should be used as a guide only. Any wording changes, other than those to insert a business name, may change the context, meaning or purpose of the checklist. We recommend you receive advice from the Victorian Chamber of Commerce and Industry prior to making such changes.

## Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber’s team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on (03) 8662 5222.

Disclaimer

The information contained in this document has been prepared by the Victorian Chamber of Commerce and Industry in this format for the convenience and benefit of its members and is provided as a source of information only. The Victorian Chamber does not accept responsibility for the accuracy of the information or its relevance or applicability in particular circumstances. The information does not constitute, and should not be relied on, as legal or other professional advice about the content and does not reflect the opinion of the Victorian Chamber, its employees or agents. The Victorian Chamber and its employees, officers, authors or agents expressly disclaim all and any liability to any person, whether a member of the Victorian Chamber or not, in respect of any action or decision to act or not act which is taken in reliance, whether partially or wholly, on the information in this communication. Without limiting the generality of this disclaimer, no responsibility or liability is accepted for any losses incurred in contract, tort, negligence, or any other cause of action, or for any consequential or other forms of loss. If you are uncertain about the application of this information in your own circumstances you should obtain specific advice.

## WORKERS COMPENSATION CHECKLIST

|  |  |
| --- | --- |
| Basic **checklist of what to provide the injured worker with, if there is an injury in the workplace** | Complete |
| First aid and/or transport to medical treatment |  |
| Name of the insurer |  |
| Employer name and employer contact details |  |
| A claim form, if requested by the worker |  |
| Checklist of basic information to be reported to your insurer | |
| Notify incident to the insurer within the required timeframe |  |
| Your workers compensation policy number |  |
| The injured employee’s name, contact telephone number, address, date of birth and if an interpreter is required |  |
| Injury details including the date, time, location and description of the injury, and details of how it happened |  |
| Confirm the name and contact details of the employer and provide the name, position and contact details of the person making the initial notification |  |
| Name of the treating doctor and/or name of the hospital if the worker is hospitalised |  |
| Contact details of any witnesses |  |
| Relevant medical certificate(s), if provided by the injured worker should be sent to the insurer within seven days |  |
| Ongoing medical certificates, receipts and accounts for medical or other treatment should be sent to the insurer within seven days of receipt |  |
| The insurer should provide you with an incident/reference number and you should keep this number for your records. |  |
| Some insurers have a telephone reporting service. When basic information on a claim is provided over the telephone, they may send you a partially completed claim form and a claim form for the injured worker to complete, based on the information provided. |  |
| Checklist for creating an injury reporting plan | |
| Prepare lists of potential concerned persons in advance, by considering: |  |
| Who secures the work site? |  |
| Who liaises with affected employees? |  |
| Who liaises with the WHS/OHS statutory authority, the police and other emergency service organisations? |  |
| Who prepares and controls any relevant documents? |  |
| Who gathers the facts about the incident? |  |
| Who liaises with the media and other agencies? |  |
| Include home addresses and mobile phone numbers in each case |  |
| Remember that many other parties may be affected by the incident: employees, their families and relatives, police, other emergency service organisations, WHS/OHS statutory authority, contractors, consultants (such as engineers cognisant with the work equipment/plan in question), the media and unions (who may insist on right of entry to the workplace). |  |
| Checklist for conducting an internal investigation | |
| The essential outcome must be a clear statement of the injury and the cause |  |
| Interview the injured worker and record the events that led to the injury and how the injured worker says the injury occurred |  |
| Interview any witnesses to the injury |  |
| Consider closely the statements collected and identify any agreed facts and any dispute on the facts. If there are any disputed facts, gather statements from other witnesses and other relevant evidence to resolve the dispute. |  |
| Identify and examine the causal factor(s) |  |
| Separate the facts from speculation and opinions |  |
| Be impartial and objective, avoiding judgment and blaming |  |
| Ensure communication is clear and careful |  |
| Find out what documents are relevant |  |
| Ascertain whether WHS reporting requirements have been implemented |  |
| Ascertain whether a breach of employer policy or procedure has occurred |  |
| Make a finding as to how the injury occurred and what caused the injury |  |
| Make recommendations as to corrective outcomes, that is focus on how future similar incidents can be prevented |  |
| Implement the recommendations |  |
| Checklist for notifying your State’s WHS/OHS Statutory Authority | |
| Check the statutory period for notifying your WHS/OHS Authority, which depending on circumstances will sometimes be immediate. Online notification is available in many jurisdictions but should not be used where immediate notification is required for ‘serious incidents’. In some jurisdictions, if you contact your insurer, it may notify your WHS/OHS Authority for you, you should confirm this with your insurer. |  |
| WHS/OHS Authority inspectors have powers that are broader than police powers in respect of workplaces. They can include the power to: |  |
| Enter and search workplaces — the inspector must carry a permit and you should ask to see it |  |
| Inspect, measure, test and photograph objects, etc |  |
| Take objects, materials or samples of them away for analysis |  |
| Require people to produce documents, give evidence and answer questions |  |
| Issue notices under the relevant State’s WHS/OHS Act, for example giving details of the types of documents they require |  |
| Checklist for documents which may be requested | |
| Where documents are requested, ask that the request be made in writing and be specific. Whilst inspectors can seek documents without putting their request in writing, explain that you want to provide accurate and relevant information and may need some time to collate it. |  |
| Keep copies of any documents you give to the WHS/OHS Authority inspector. For example, in New South Wales, the Statutory Authority — WorkCover may elect to prosecute an employer up to two years after an incident occurs. This in turn could take a year or so to reach the court. Recollections after almost a three-year period can be difficult, so get the facts on record at the time and keep a record. |  |
| Legal privilege: in some instances a document can be withheld from the WHS/OHS Statutory Authority on the ground of legal professional privilege. This is not often the case, but where the document has been created in order to obtain legal advice, or in preparation for litigation, before providing it, seek advice. |  |
| Other | |
| Complete your workplace register of injuries as soon as possible |  |
| Request employee to provide a medical certificate supporting any absences and opining a cause for the injury/illness |  |
| Maintain a workers compensation insurance policy |  |
| Do not dismiss an injured employee without first seeking legal advice and consulting with your insurer |  |
| Provide all requested documents to your insurer |  |
| Liaise with the employee’s return to work co-ordinator |  |
| Endeavour to return the employee to work |  |
| Keep records of the employees’ absences from work |  |
| Continue to obtain up-to-date medical certificates indicating the employee’s capacity to work and restrictions |  |