# WORKERS COMPENSATION CHECKLIST

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| **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 whether 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 will provide you with an incident/reference number and you must 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? |  |

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| 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), unions (who may insist on right of entry to the workplace) and the media. |  |
| **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 |  |

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| 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. In Victoria the Statutory Authority, WorkSafe, may elect to prosecute at any time after an offence has been committed. 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 a three-year period or longer 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 the employee to provide a medical certificate supporting any absences and stating 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 coordinator |  |
| 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 |  |