



## Where to get help and how to contact us

It is important for injured workers to obtain legal advice:

- If the Workcover insurer rejects a claim
- If the injured worker has suffered a permanent injury
- To obtain general advice in relation to a worker's rights and entitlements under the Workcover scheme

**Contact the Migrant Workers Centre or Gordon Legal to arrange a free initial appointment with a Workcover specialist:**



**Melbourne**  
181 William St, VIC 3000  
(03) 9603 3000  
[enquiries@gordonlegal.com.au](mailto:enquiries@gordonlegal.com.au)

**Geelong**  
183 Moorabool St, VIC 3220  
(03) 5225 1600

**Dandenong**  
1/75 Robinson Street, VIC 3175  
1300 599 517

**Warrnambool**  
145 Timor Street, VIC 3280  
1300 599 517

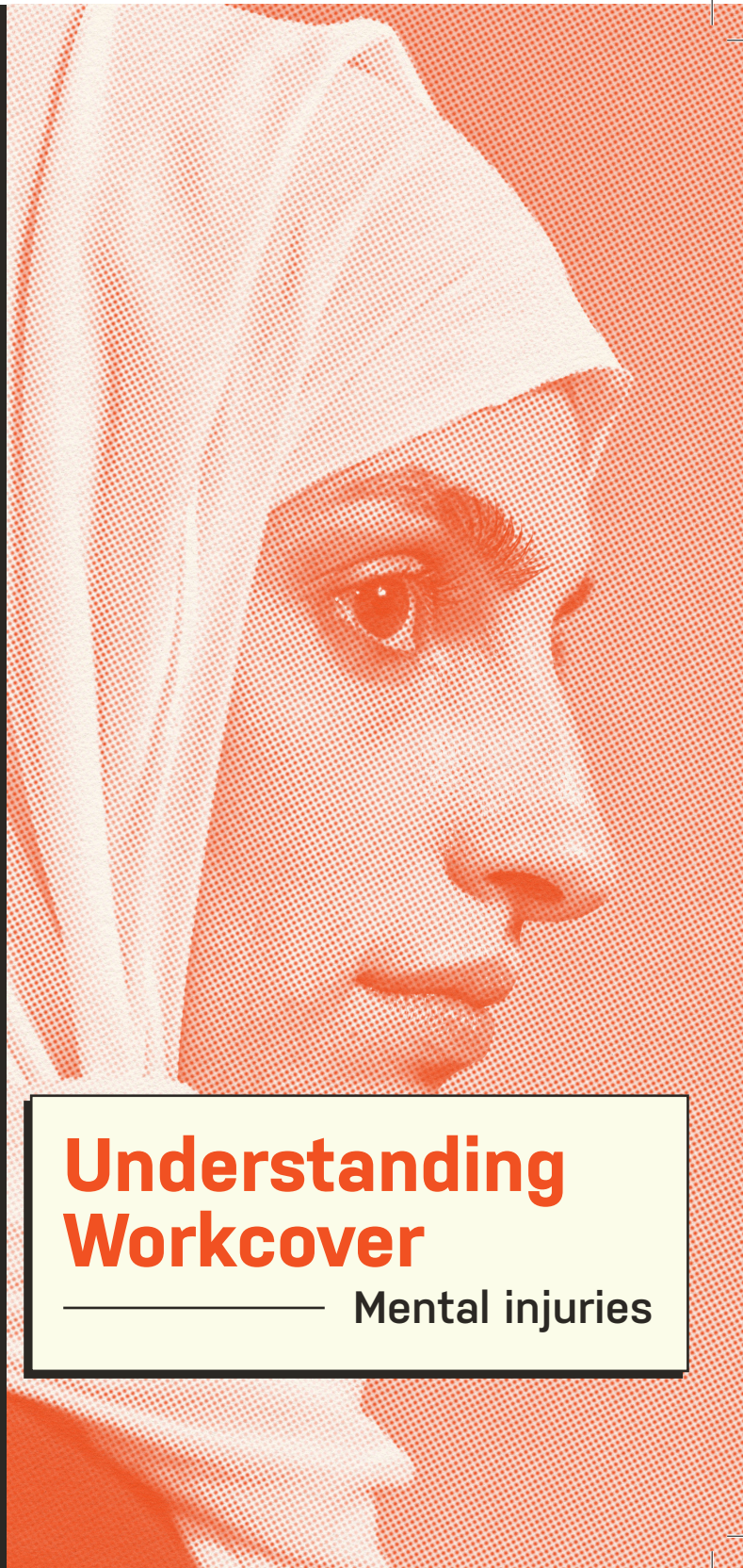


[migrantworkers.org.au](http://migrantworkers.org.au)  
(03) 7009 6710  
[mwc@migrantworkers.org.au](mailto:mwc@migrantworkers.org.au)

This information refers to the laws in Victoria. If you live outside of Victoria, please contact the Migrant Worker Centre for information relevant to your area.

## Understanding Workcover

### Mental injuries





Individuals who have suffered injuries as a result of their work are entitled to access benefits under the Victorian Workcover scheme, Workcover.

Workcover is a “no fault scheme”, which means that it does not matter who was at fault. If someone has suffered an injury or a medical condition, they are likely to be entitled to compensation.

There are some mental injuries which are excluded from the Workcover scheme, so it is important to get legal advice about a worker’s potential entitlements.

## Exclusions

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- Mental injuries suffered wholly or predominantly due to reasonable management action
- Mental injuries that have not been predominantly caused by employment
- Mental injuries that have been predominantly caused by stress or burn out caused by events that are in the normal course of a worker’s duties

Often there are multiple causes of a mental injury. A lawyer can help the worker to understand the likelihood of a Workcover claim being accepted.

## What should a worker do when they have suffered an injury?

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- Consult their general practitioner and if the worker is unable to perform their regular duties, obtain a Workcover Certificate of Capacity. This will allow the worker to request payments for their lost wages.
- In relation to mental injuries, the law requires that the worker obtain a diagnosis of their mental injury from a general practitioner or psychiatrist under a medical guideline called the Diagnostic Statistical Manual of Mental Disorders.
- Fill out incident report or report their injury in writing to their employer as soon as possible and within 30 days of the injury.

## How to lodge a Workcover claim

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- Download a Workcover claim form from the Worksafe website: <https://www.worksafe.vic.gov.au/resources/workers-injury-claim-form-pdf-version>
- If a worker would like a hard copy of the form, they can contact the Migrant Workers Centre or Gordon Legal to obtain one
- Send the completed Workcover claim form and a Workcover Certificate of Capacity to the employer by email or registered post and confirm receipt of the form. The employer must forward the claim form onto their Workcover insurer within 10 days. The insurer must either accept or reject the claim within a further 28 days.

## What benefits are available?

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- Reimbursement from the Workcover insurer for medical expenses such as general practitioner consultations, physiotherapy treatment and medication.
- Payments for lost wages if the worker is unable to perform their regular duties.
- Lump sum compensation if the worker has suffered a permanent impairment.
- Further compensation for pain and suffering and loss of future wages if the worker has suffered a serious injury and the injury has occurred as a result of negligence.