understanding your workplace personal injury insurance policy

A guide to your policy cover and conditions
About WorkCover Queensland

WorkCover Queensland is a statutory authority providing insurance coverage for Queensland employers, compensating and helping injured workers with their work related injuries. We offer insurance products in accordance with Queensland workers’ compensation legislation.

About your workplace personal injury insurance policy

Holding a workplace personal injury insurance policy means that you are covered against the costs of a work related personal injury. However, you should read this product guide carefully to understand what may, or may not be covered. Documents that will help you to fully understand your policy cover include:

• this guide
• your Premium Notice
• the Workers’ Compensation and Rehabilitation Act 2003 (the Act) and Workers’ Compensation and Rehabilitation Regulation 2003 (the Regulation).

Your policy is subject to the provisions of the Act and Regulation under the Act and those provisions are taken to form part of this policy.

General definitions

Compensation has the same meaning as in s9 of the Act.

Damages has the same meaning as in s10 of the Act.

Injury has the same meaning as in s32 of the Act.

Period of insurance means the period specified in the most recent Premium Notice.

Policy means a WorkCover Queensland workplace personal injury insurance policy.

Premium Notice means the Premium Notice most recently issued by WorkCover Queensland to the policyholder.

Q-COMP means is the workers’ compensation regulatory authority responsible for regulating the Queensland workers’ compensation scheme.

The Act means the Workers’ Compensation and Rehabilitation Act 2003.

The Regulation means the Workers’ Compensation and Rehabilitation Regulation 2003.

We, Us, Our means WorkCover Queensland.

You, Your, The insured means the person insured under the workplace personal injury insurance policy as shown on the Premium Notice.

Conditions of policy

Period of insurance

You are insured from the date you apply for a policy until 30 June. Your policy is then renewed annually.

How premium is calculated

Your workplace personal injury insurance policy premium is calculated based on your:

• business activity and the industry in which you work
• insured benefit level.

You need to declare your total income from all sources of work. This is known as the insured benefit level (IBL). It is important that you estimate your total expected annual income from all work over the financial period, as accurately as possible.

We send you an annual Premium Notice that details the amount of premium you need to pay.

There is a minimum premium amount for this type of insurance.

IMPORTANT NOTE: changes to the IBL can only be made annually, when you are renewing your policy.

Applying for a policy

To apply for a workplace personal insurance policy please visit our website www.workcoverqld.com.au and complete an online application, or call us on 1300 362 128.

Renewing your policy

Renewing your policy is easy. Simply pay the premium amount stated on your Premium Notice before the due date.

Easy payment options

Workplace personal injury insurance policies can be paid by:

• by credit card using Premium online on our website
• BPAY (Biller code 182006)
• electronic funds transfer (EFT): BSB 064 013, account number 1000 8320, please use your WorkCover Queensland policy number as the reference number and, on the same day, please email your payment details to premiumeft@workcoverqld.com.au
• cash deposit at any Commonwealth Bank of Australia branch: BSB 064 013 account number 1000 8320
• cheque or money order.

Cancellation of policy

The policy must be cancelled by the policyholder. To cancel your policy please call us on 1300 362 128.

If you do not pay your premium by the due date, your policy will be automatically cancelled.

Your responsibilities

Fraud and false and misleading statements

If you, or someone acting on your behalf, makes a fraudulent, false, or misleading statement WorkCover Queensland can take legal action against you (chapter 12, part 2 of the Act).

This includes failing to report that a person is defrauding or attempting to defraud WorkCover.
Cover provided by your policy

Am I eligible for a policy?
An eligible person is an individual who, other than as a worker, receives remuneration or other benefits for performing work, or providing services as a:
- contractor
- self-employed individual
- director of a corporation
- trustee of a trust
- member of a partnership.

Types of injuries covered
Your policy covers personal injuries that arise out of, or in the course of, employment where employment is a significant contributing factor to the injury (s32 of the Act). The types of injuries that your policy covers includes:
- common place injuries (e.g. sprains, strains, and cuts)
- diseases (e.g. Q-Fever)
- work related aggravations to pre-existing injuries
- hearing loss (e.g. industrial deafness)
- psychological and psychiatric injuries (e.g. major depression or post traumatic stress disorder)
- fatal work related injuries.
Injuries are not limited to those in the workplace (sections 34 and 35 of the Act) and may be covered if they happen:
- on a work break
- while working away from, or travelling between, worksites
- while working interstate or overseas
- travelling between work and home.
Injuries that are sustained as a result of serious or wilful misconduct may still be covered if they meet the criteria under s130 of the Act.
You are not covered for payment of common law damages.

Statutory claim costs covered
Your policy covers you for the costs associated with a workers’ compensation claim as set out in chapter 3 of the Act. The statutory scheme operates on a no-fault basis, meaning you can claim regardless of who or what caused the injury.
The type of costs covered include:
- weekly benefits for lost wages
- medical expenses
- rehabilitation expenses (such as physiotherapy or counselling)
- hospital expenses
- travelling expenses
- lump sum compensation for permanent impairment
- death benefits.

Weekly benefits
When a policyholder is totally or partially incapacitated for work as a result of their injury, they may be entitled to weekly compensation for loss of earnings during the period of incapacity.
We use your insured benefit level to determine your compensation entitlements and we will ask you to provide documentation to verify this in the event of a claim.

Your weekly compensation rate is calculated by your own personal income, not the income of your business. A simple way for you to substantiate your income is to provide your taxation returns.
The insured benefit level on your insurance policy should be your personal income. If you are injured, your weekly compensation rate for the first 26 weeks of incapacity will be the lesser of 85% of your insured benefit level or your actual personal income at the time of injury. (As per your gross taxable income shown on your ATO notice of assessment.) For further information refer to the Act.
When you are ready to return to work, you may return to your business, in which case your benefits will be reduced, or you may be required to attend a host employer.

Medical and rehabilitation costs
Medical and rehabilitation costs are covered in chapter 4, part 2 and 3 of the Act if WorkCover considers the treatment to be reasonable and/or the rehabilitation to be necessary and reasonable. This includes:
- medical treatment or rehabilitation provided by a registered person (e.g. a doctor, dentist, or physiotherapist)
- surgical and hospital expenses and medicines that are essential to recovery (e.g. bandages or medication)
- equipment or services needed to help the worker recover (e.g. wheelchairs, crutches, or return to work programs).

Hospital expenses
Hospitalisation costs covered by workers’ compensation are set out in chapter 4, part 2 of the Act and include:
- non-elective hospitalisation up to four days
- non-elective hospitalisation for more than four days, only when agreed to between WorkCover and the worker, before the hospitalisation or any extension of the hospitalisation
- elective hospitalisation only when agreed to between WorkCover and the worker before the hospitalisation.
We may not cover hospitalisation costs if a doctor performs an operative procedure for non-elective hospitalisation for more than four days, or for elective hospitalisation at a hospital without first obtaining our approval.

Lump sums for permanent impairment
If you suffer a permanent impairment—loss of efficient use of part of the body, or loss of part of the body—as a result of your work related injury you may be entitled to lump sum compensation (s178 of the Act).

Death benefits
We may pay compensation for the death of a policyholder to the policyholder’s family (dependants’). Payments can include any medical costs, funeral costs, and compensation payable where family members were partially or totally dependent on the worker’s earnings. What will be paid and when, is covered in chapter 3, part 11 of the Act.

When compensation for an injury ends
An eligible person’s entitlement to weekly compensation ends when the first of the following happens (s144A of the Act):
- the policyholder returns to work and is no longer injured
- the policyholder receives a lump-sum offer
• the policyholder has received weekly payments for five years
• the policyholder’s total weekly compensation reaches the maximum amount payable.

We will stop paying medical treatment, rehabilitation, hospital, travelling, and expenses when a policyholder’s entitlement to weekly compensation ends and the injury will no longer improve with further treatment (s144B).

Limitations of coverage

Limitations of statutory claims coverage
Claims or injuries may not be covered under certain circumstances:

• psychological or psychiatric injury claims will not be accepted if they are deemed to be the result of 'reasonable management' action (s32 (5) of the Act)
• only an aggravation of a pre-existing injury will be covered—not the pre-existing injury itself (s32 (3) (b) of the Act)
• employment need not be a significant contributing factor if the injury occurs in accordance with particular clauses under sections 34 or 35 of the Act
• journey claims may not be accepted if the circumstances of the claim fall under s36 of the Act (including the worker having been found to contravene the Transport Operations Road Use Management Act 1995, the Criminal Code, or having deviated significantly from their normal route)
• a claim may not be accepted if you subject yourself to abnormal risk during a recess period s34 of the Act
• a claim may not be accepted if the injury was intentionally self-inflicted.

WorkCover does not cover the cost of:

• damage to clothing or jewellery
• vehicle damage if the injury occurs while travelling to or from work.

Interstate or overseas coverage
Depending on the circumstances of the claim, your policy may, or may not, provide coverage for an injury sustained while working interstate or overseas (s113 and 115 of the Act). If you will be working interstate or overseas, contact us to discuss your cover. You should also consider your insurance obligations regarding each particular jurisdiction.

Making a statutory claim—conditions and procedures

Procedure for making a claim
If you are injured:
• you must notify us immediately after you are injured (s133 of the Act)
• you can lodge an application for compensation (s132 of the Act)—we accept applications online (www.workcoverqld.com.au), over the phone (1300 362 128), by fax (1300 651 387), or through the doctor’s surgery
• we will assess the application according to the Act and must make a decision within 20 business days of receiving it (s134 of the Act)
• you must also participate in rehabilitation while receiving compensation payments (s229 of the Act).

If more information is needed to make a decision we will contact any relevant parties—including you, any witnesses, and/or treating or independent medical providers.

IMPORTANT NOTE: if we need you to supply information we will let you know how long you have to provide it—in order to meet legislative timeframes for decision making we must still make a decision if we do not receive your information within the agreed time.

Review and appeal rights
Under s541 of the Act, you have the right to apply for a review if you are aggrieved by our decision, or our failure to make a decision. Decisions that are reviewable are set out in s540 under the Act and include:

• the method used to calculate premium
• to accept or reject an application for compensation
• failure to make a decision on an application within the required time.

The review process is managed independently by Q-COMP. If you are not satisfied with Q-COMP’s review decision you may have the right to appeal to the industrial court or the industrial commission.

Customer service information

Your privacy
To provide a range of workers’ compensation services we must collect some personal information. Personal information is information or an opinion (including information or an opinion forming part of a database) we hold about you that can identify you.

As a policyholder, the personal information we hold may include your name, date of birth, current and previous addresses, telephone/mobile phone number, email address, financial details, occupation, driver’s license number or other identifying numbers, and contact details including telephone numbers and in some cases facsimile numbers and email addresses.

We may also hold information relating to your financial and business affairs, including bank account and credit card details, tax file numbers, Australian Business Number (ABN), and wages information.

We are committed to protecting your privacy by responsibly collecting, using, storing, and disclosing the personal information we may hold in a manner consistent with the statewide Public Sector Privacy Scheme (‘Privacy Scheme’) established by the Queensland Government Information Standard 42 (IS42).

We may be required to collect from, use, or disclose information to various government agencies (e.g. Australian Taxation Office). How we use and disclose this personal information is governed by the Workers’ Compensation and Rehabilitation Act 2003, the Information Privacy Act 2009, the Right to Information Act 2009, and/or other legislation or requirement by law.

WorkCover takes reasonable steps to protect your personal information from loss, misuse, unauthorised disclosure, or destruction. We have in place government standards of technology and operational security in order to keep your personal information safe.

For full details of our privacy and security policy please visit www.workcoverqld.com.au or contact us on 1300 362 128.
Accessing information

WorkCover will provide you access to, or a copy of, the information we hold about you. Your request must be in writing, and must clearly identify the information you seek.

In certain circumstances we are authorised to refuse access to certain personal information we may hold about you. Please visit our web site at www.workcoverqld.com.au for more information.

How we resolve complaints

We take customer complaints seriously and have a clear and consistent process to ensure they are resolved quickly and fairly. We encourage customers to raise their concerns directly with the person they are dealing with (or their direct manager). However, if you are not happy with the immediate response, you can:

- complete our online complaint form
  www.workcoverqld.com.au
- write to the Complaints Advisor at
  GPO Box 2459, Brisbane Qld 4001
- fax us on 3006 6311, Attention: Complaints Advisor
- email us at complaints@workcoverqld.com.au.

Your complaint will be handled by the person who has the authority to deal with it—usually the manager of the business area you are dealing with. If this person is not able to resolve your complaint to your satisfaction, the matter will be escalated to an appropriate member of the management team.

All written complaints are centrally coordinated to ensure they are properly investigated and responded to within agreed timeframes.

We will always identify whether you have an external review option and will refer those issues directly to Q-COMP.

If you disagree with the final outcome of your complaint you can contact the Queensland Ombudsman by visiting their web site at www.ombudsman.qld.gov.au or phoning them on 1800 068 908.

How we can help

1300 customer support centre

You can access our customer service centre network simply by calling 1300 362 128 from anywhere in Australia for the cost of a local call. The customer support centre is available from 8am to 5.30pm Monday to Friday.

Web site and online services

Our web site www.workcoverqld.com.au offers a range of information and online tools.