

understanding your **household workers'** insurance policy

A guide to your policy cover and conditions



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Getting in touch

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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 household workers' insurance policy

Holding an household workers' insurance policy means that you are covered against the costs of compensating a household worker who is injured while working for you.

You should read this product guide carefully to understand what may, or may not be covered by your policy.

This policy is subject to the provisions of *Workers' Compensation and Rehabilitation Act 2003* (the Act) and *Workers' Compensation and Rehabilitation Regulation 2014* (the Regulation).

General definitions

Home means a private dwelling and should generally be taken to be a domestic residence. It is not limited to a particular structure and may include a house, flat, unit, boat or caravan. A private dwelling may in some circumstances include a holiday home. The grounds of a private dwelling house should generally be taken to be the land occupied by and part of a dwelling property. It may include a garden, yard, acreage and other immediate surrounds.

Household worker means a person employed solely in and about, or in connection with, a private dwelling house, or the grounds of the dwelling house (s13 of the Regulation).

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

Policy means a WorkCover Queensland household workers' insurance policy.

The Act means the *Workers' Compensation and Rehabilitation Act 2003*.

The Regulation means the *Workers' Compensation and Rehabilitation Regulation 2014*.

They means the household worker.

We, Us, Our means WorkCover Queensland.

Worker means a person considered to be a worker in accordance with section 11 of the Act.

You, Your, The insured means the person(s) insured under this household workers' insurance policy as shown on the Premium Notice.

Conditions of policy

General obligation to insure

If you employ a household worker, you are required to have an insurance policy to cover household workers. If a household worker is injured while you are uninsured, and makes a claim to WorkCover Queensland, we can recover from you the entire cost of the claim plus a penalty of up to 50% of the cost of the claim.

How to apply for a policy

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

Easy payment options

Household worker policies can be paid:

- by credit card using Premium online on our website
- in person at any Australia Post office
- by BPAY (Biller code 182006)
- by cheque or money order
- by 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.

Renewing your policy

You will receive a Premium Notice 4–6 weeks before your policy expires. Simply pay the premium amount stated on your Premium Notice by the due date.

Cancellation of policy

Your policy will be automatically cancelled if you do not renew by 31 December of the current renewal period. There are no refunds if you cancel your policy before the renewal date.

Cover provided by your policy

Who is covered?

Your policy covers household workers only. A household worker is a worker you employ solely in and about, or in connection with, your own private dwelling or the grounds of the dwelling (s13 of the Regulation). This may include a person operating their own business or independent contractors with their own ABN.

Your household workers' insurance policy will not cover workers employed by a landlord in connection with rented houses, flats, boarding houses, and other similar accommodation arrangements.

Your household workers' insurance policy will not cover workers who are engaged to work for your home business. Operating a business from home does not exclude you from having a household workers' insurance policy, however workers must be engaged in connection with or in and about the private dwelling only, and not the business.

Types of injuries covered

Your policy covers 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, cuts)
- diseases (e.g. Q-Fever)
- aggravation to pre-existing injuries (whether work-related or not)
- 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
- 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.

Statutory claim costs covered

Your policy covers you for the costs associated with a household 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.

Compensation (other than the compensation payable for the day of the injury) must be paid by WorkCover Queensland (s109 of the Act).

The type of costs covered include:

- weekly benefits for lost wages
- medical expenses
- rehabilitation expenses (such as physiotherapy)
- hospital expenses
- travelling expenses
- lump sum compensation for permanent impairment
- death benefits.

Weekly benefits

When a household worker 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. Weekly compensation payments are calculated in accordance with the Act and will either be a percentage of their normal weekly earnings or Queensland full time adult's ordinary time earnings (QOTE).

IMPORTANT NOTE: we may only deduct tax from weekly compensation. Even though you may make certain deductions on behalf of the injured worker such as superannuation, WorkCover Queensland cannot.

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 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 a household worker suffers a permanent impairment—loss of efficient use of part of the body, or loss of part of the body—as a result of their work related injury they may be entitled to lump sum compensation (s178 of the Act).

Death benefits

We may pay compensation for the death of a household worker to the worker'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

A household worker's entitlement to weekly compensation ends when the first of the following happens (s144A of the Act):

- the worker returns to work and is no longer injured
- the worker receives a lump-sum offer
- the worker has received weekly payments for five years
- the worker's total weekly compensation reaches the maximum amount payable.

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

Common law (damages) claim costs covered

Your policy covers you for any for the cost of a damages action (common law claim) that arises as the result of an injury. Household workers can only sue you (lodge a common law claim) under limited circumstances and only if they can prove you were legally liable for their injury (ch 5 of the Act).

Common law costs (damages) can include payments for:

- past and future loss of income
- treatment and other expenses
- pain and suffering.

In most instances, statutory claim costs are offset against any damages to be paid.

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 (section 32 (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 section 36 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 a worker subjects themselves to abnormal risk during a recess period section 34 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.

Limitations of common law coverage

Your policy does not:

- cover the cost of any exemplary damages or punitive damages payable (s309 of the Act)
- cover any liability to pay damages for loss of consortium resulting from an injury sustained by an injured worker (s10 of the Act)
- cover any liability where the employer is required to provide under another Act or a law of another State, the Commonwealth, or of another country (s10 of the Act)
- cover any claims outside of the ambit of the Act.

Compensation—two or more employers

Where a household worker has multiple employers, the policyholder responsible for the claim costs will be the person for whom the worker was working for at the time of the injury. This includes any weekly compensation benefits payable—weekly compensation will be calculated taking into account earnings from all employers (s84 of the Regulation).

Making a claim—conditions and procedures

Procedure for making a claim

In the event a household worker is injured:

- you must notify us immediately once you know about the injury (s133 of the Act)
- the household worker can lodge an application for compensation (s132 of the Act) we accept applications online, over the phone, by fax, 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)
- if accepted, you must pay the worker for the day they stopped work because of the injury (s144 of the Act)
- you must also help with, or provide rehabilitation for, an injured worker while they are receiving compensation payments.

If more information is needed to make a decision we will contact any relevant parties—including you, the worker, 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.

Your responsibilities when a claim is made

Employer must give notice of the worker's injury

You must notify us immediately once you are made aware of an injury to a household worker (s133 of the Act).

You must also let us know if a household worker asks for, or if you make a payment as compensation or in lieu of compensation (s133A of the Act).

Payment for the day of the injury

You must pay the household worker for the day they stopped work because of the work related injury (s144 of the Act). This payment is in addition to any compensation they may receive. This is paid at the workers' normal pay rate (i.e. the amount they would have received had they not stopped work because of the injury).

There is no excess payable on a household workers' insurance policy.

Rehabilitation and return to work responsibilities

You are required to take all reasonable steps to assist or provide rehabilitation for a household worker for the period for which the worker is receiving compensation (s228 of the Act). Penalties may apply if you do not fulfil these responsibilities (s229 of the Act).

Review and appeal rights

Under s541 of the Act, you (or the injured worker) have the right to apply for a review if you are aggrieved by our decision, or our failure to make a decision.

- 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 the Workers' Compensation Regulator. If you are not satisfied with the Workers' Compensation Regulator's review decision you may have the right to appeal to the industrial court or the industrial commission.

Common law claim procedures and conditions

What happens when a worker makes a common law claim

If a household worker makes a common law claim we will contact you to explain the process and your rights and responsibilities.

Additional responsibility for common law claims

Once a common law claim has been lodged you must:

- cooperate with us during the common law claim—this includes providing full access to information and documents (s280 of the Act)
- if the claim is litigated, sign all necessary documents and do everything that we regard as being reasonably necessary throughout the litigation process.

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*, *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

As the employer of a household worker, you are entitled to obtain information that will allow you to manage rehabilitation, and understand your review rights.

WorkCover must protect an individual's privacy; personal information that is not directly related to the claim and the above issues, cannot be provided to you. If you have the household worker's permission, we will release any relevant documents we hold on file.

The Act prohibits employers from obtaining or attempting to obtain workers' compensation documents for any purpose other than assisting a worker with rehabilitation or to return to work (s572A of the Act). Significant fees apply if an employer contravenes this section.

Injured household workers are also entitled to a copy of their claim information (s572 of the Act).

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 1300 651 387, 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 the Workers' Compensation Regulator.

If you disagree with the final outcome of your complaint you can contact the Queensland Ombudsman by visiting their website 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 friendly customer service centre simply by calling 1300 362 128. The customer service centre is available from 8am to 5.30pm Monday to Friday.

Website and online services

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

Getting in touch

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