IM LAWYERS



How do worker's compensation weekly payments work in Queensland?

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If you are injured at work in Queensland and unable to work, or unable to work in the same capacity as prior to the injury, you may be entitled to worker's compensation weekly payments. For most Queensland workers, unless their employer is a 'self-insurer', these worker's compensation payments, if eligible, will be processed through WorkCover Queensland.

Worker's compensation weekly payments are intended to compensate the injured worker for the wages that they have lost due to the injury.

Information you need to provide to WorkCover to secure your weekly payments

Injured workers will need to provide a worker capacity certificate from their doctor which provides details of their injury. You may need to continue submitting new worker capacity certificates in order to continue receiving payments as your injuries progress and your doctor continues to assess your ability to work.

Worker capacity certificates should include the:

- date or injury;
- type of injury;
- necessary treatment and rehabilitation; and

extent to which the injury impacts the worker's ability to participate in work.

An approved template version of the worker capacity certificate can be found online here. It must be completed by your medical practitioner.

Injured workers will also need to provide information about their earnings prior to the workplace injuries. This may include providing previous payslips or information needing to be provided directly by your employer.

How much will I be paid if I receive worker's compensation weekly payments?

The weekly compensation payment amount is calculated using two figures:

The injured worker's normal weekly earnings ('NWE'); and

Queensland full-time adult ordinary earnings ('QOTE').

How are WorkCover normal weekly earnings calculated?

The calculation of the new considers the history of the injured person's wages and includes

penalties rates paid;

allowances (other than some excluded allowances); and

overtime that the injured worker would usually be paid.

The NWE will not include payment of superannuation.

WorkSafe Queensland has provided more information about the calculation of NWE here.

How are Queensland full-time adult ordinary earnings calculated?

The QOTE is an amount which is prescribed, and it does not change from worker to worker. It is updated yearly and generally displayed on the WorkSafe website.

How are the NWE and QOTE used to calculate injured workers' compensation payments?

The total weekly worker's compensation payment payable to an injured worker is calculated using the NEW and QOTE depending on how long the injured worker has been incapacitated for work.

Weekly payments for the first 26 weeks of incapacity

The payment will be the greater of:

85% of the injured worker's NWE; or

an amount under an industrial award (if there is an applicable industrial award); or

80% of the QOTE (if there is no applicable industrial award).

However, the payment must not be more than a person's normal weekly earnings (NWE).

Weekly payments for between 26 and 104 weeks of incapacity

The greater of:

75% of the injured worker's NWE; or

70% of the QOTE.

Weekly payments after 104 weeks of incapacity and onwards

The amount of the payment following the 104th week of incapacity will be calculated based on the continuing incapacity of the injured worker. As this will change depending on your circumstances, we recommend you speak with our expert lawyers for more information if this may apply to you.

FREE ADVICE FROM A WORKER'S COMPENSATION LAWYER: 1800 001 339

What happens to my weekly payments if I return to work part-

time or with restricted duties

The weekly compensation may be adjusted (reduced) when you return to work part-time or with restricted duties or where you have capacity to return to work part-time. It is important that you keep WorkCover updated and inform them promptly where you intend or have returned to any work in any capacity.

How will the weekly compensation payments be paid to me?

Generally, worker's compensation weekly compensation payments will be paid directly to the injured worker's nominated bank account.

What happens to my weekly compensation payment if I receive lump sum compensation?

Weekly compensation payments will cease if an injured worker receives lump sum compensation for their injury.

What can I do if there is a dispute about weekly payments

Depending on the type of decision made by WorkCover in respect of weekly compensation payments, you may be able to apply to review the decision if you are unhappy with it.

Examples of decisions that may be able to be appealed include decisions about:

- entitlement to weekly compensation payments;
- terminating or suspending weekly compensation payments; and
- changes to the amount of weekly compensation payments.

Applications for reviews are to be lodged with the Queensland Worker's Compensation Regulator and must be lodged within 3 months of the decision. This is generally a strict limitation time, so any applications for review lodged after this three-month period are likely to not be accepted.

We recommend that you contact us as soon as you receive the decision you wish to appeal so that we can advise and assist you with this process.

Get help from a worker's compensation lawyer

Although many worker’s compensation claims run smoothly and workers receive the entitlements they deserve, sometimes complications and disputes arise, particularly where applications are being made for decisions to be reviewed. Our lawyers have significant experience in worker’s compensation claims under the Queensland scheme.

Contact us for a free initial consultation. It costs you nothing to find out where you stand and to ensure everything is done to maximise the prospects of a successful claim.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.