

UNION FACT SHEET 2 - TAS

Workers Compensation



WorkCover Disputes Workers Rehabilitation and Compensation Act 1988

Disputes under the Act can be initiated by the worker, the employer or the licensed insurer, to resolve issues affecting the claim and/or to obtain a determination by the Tribunal.

Workplace Standards Tasmania offers a number of services to help workers and employers with questions or concerns about workers compensation matters.

- Any general query regarding workers compensation may be directed to the Helpline 1300 366 322, which provides free information and assistance.
- Any unresolved compliance matter may be referred on to a Workplace Standards Tasmania inspector by the Helpline, for investigation and enforcement under the Act
- A formal complaint may be directed to Workplace Standards in writing.
- If agreement cannot be reached regarding a specific claim, the dispute may be referred to the Tribunal for conciliation or adjudication.

Workers Rehabilitation and Compensation Tribunal

An independent statutory tribunal established under the Act. The Tribunal has primary responsibility for determining all disputes. If the parties cannot reach agreement through the conciliation process, the Tribunal determines the dispute through arbitration hearings.

In order for matters to go to the Tribunal a Referral to Tribunal form should be completed first.

The conciliator will hold a conciliation conference usually after all investigations and medical examinations have taken place. At the end of the conference it may have been possible to reach agreement between the parties, or the conciliator may let the parties adjourn for a time to seek advice or to think about the outcome. Where the parties are unable to reach an agreement, but have made reasonable attempts to do so and the parties require the dispute to be resolved, the conciliator will refer the matter to the Tribunal for determination. The conciliator may recommend that a medical question be referred to a medical panel for determination.

If the dispute is not settled with conciliation, it will be scheduled for a hearing before either the Chief Commissioner or Commissioner. The worker may have a union advocate, lawyer or other person present to assist them, and the employer may also be represented. The purpose of this hearing is not to decide whether there is a valid claim for workers compensation, but to determine whether a reasonably arguable case exists concerning the employer's liability to pay compensation under the Act.

From 1st July 2010, the Tribunal will have to approve any settlement within 2 years of the date of claim.

For more information and assistance call WorkCover Tasmania on 1300 366 322

Contact us on 1800 060 556 Free call

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Visit our website www.cfmeuffpd.org for more information

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