

Claiming Compensation

The *WCIMA23* removes the requirement for workers to give notice of injury in addition to making a claim for compensation.

Key Points

Act ref: ss. 25-27, 546

- The *WCIMA23* provides that a worker who suffers an injury from employment may claim compensation from their employer within 12 months after the injury occurs.
- The *WCIMA23* clarifies that a claim for compensation is made when the worker has given their employer a completed claim form (in the approved form) and a certificate of capacity. The certificate of capacity provides the relevant information relating to the worker's injury and any incapacity to enable a decision on liability to be made.
- The failure to make a claim within 12 months or a defect or inaccuracy in the claim form or certificate of capacity will not invalidate the claim if it results from mistake, absence from the State or other reasonable cause, or would not otherwise prejudice the employer's defence in proceedings.
- A worker will no longer be required to serve a notice of injury on their employer in addition to making a claim.
- An insured employer will be required to give the worker's claim to their insurer within 7 days of receiving the claim from the worker.
- If an insured employer fails to give a worker's claim to their insurer for any reason the worker may give the claim to the insurer.

Questions & Answers

Q. What happens to a claim made under the 1981 Act when the new Act commences?

A. When the *WCIMA23* commences it will operate as a continuation of the 1981 Act. A claim made under the 1981 Act will be taken to have been made and continue under the corresponding sections of the *WCIMA23*.

