

Queensland Health Occupational Health and Safety Review and Appeals Policy

Queensland Health

recognises that WorkCover is a 'no fault' workers compensation scheme which means that Queensland employees have the right to apply for statutory benefits, no matter who or what caused their workplace injury.

This means that the employee's entitlement to workers' compensation benefits still exists even if the event was caused, or contributed to, by the employee's actions. In these circumstances the employee's common law settlement may be diminished but not their WorkCover benefits.

Safety for ALL



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Aim

Our aim is to fully support legitimate workers' compensation claims and to ensure that decisions are appropriately made having regard to the facts of the case. Should this not occur, a review or subsequent appeal may be initiated.

We are committed to continuing an employee's rehabilitation process during any appeal or review procedure.

Principles

All parties have rights including common law and statutory review and appeal rights in relation to workers' compensation.

Legislative provision exists for employees or employers to seek a review and subsequently appeal against a decision by WorkCover which they believe does not adequately reflect the facts of the case. Items for review or appeal include but are not limited to:

- allow or reject an application for compensation
- terminate or suspend payment of compensation
- increase or decrease weekly payment of compensation.

Implementation

This policy statement is enacted through legislative compliance and the implementation standards, procedures and guidelines documented in the Queensland Health Safety Management System and is incorporated within the Occupational Health and Safety Policy hierarchy.

Michael Reid
Director-General

October 2008

Version 2 Review Date: October 2010 Subject to changes in legislation, operational activities, or occupational health and safety performance.

Notwithstanding this policy remains in force until such time as it is revoked.