

19 March 2020

URGENT ADVICE – COVID 19 - CIRCULAR TO LGRCEU MEMBERS ONLY

Dear Committee and Members,

Your Union - **LGRCEU** has asked for urgent advice about where workers stand in relation to making a workers compensation claim if they contract COVID-19 at work.

What you need to know if you contract COVID-19

- The *Workers Compensation and Injury Management Act (WA) 1981 (as amended)*, covers employees for diseases contracted at work, including COVID-19.
- If the source of your infection can be traced to work on the balance of probabilities (more likely than not), you can make a claim. *As the government is actively tracing infection sources this may be easier than usual to prove. If your work routinely brings you into contact with COVID-19 sufferers, there is a legal presumption that you contracted it at work.*
- You are not automatically disqualified from making a workers compensation claim if you forgot to wash your hands or touched your face, but your employer may raise a “*serious and wilful misconduct defence*”. Accidentally touching your face is unlikely to be considered “*wilful misconduct*” but not washing your hands might be. Make sure you actively comply with all safety precautions at work and at home.
- If you are sick DO NOT attend work. Call in sick and take sick leave. If you become sick at work inform your supervisor immediately and take sick leave. Do not expose your co-workers.
- Your employer is only required to take all reasonable precautions to protect you at work, not every possible precaution, but your employer owes you a duty of care which is quite strict. If you believe your employer is **not** undertaking reasonable measures to protect you, speak to your Union representative NOW. Do not wait until you or a co-worker gets sick.
- If you have to have time off work due to a COVID-19 infection contracted at work, you may be entitled to wages, medical treatment expenses, travel expenses and if necessary, a gradual return to work with rehabilitation assistance, provided your workers compensation claim is accepted. Acceptance is not automatic. You may find yourself using sick and annual leave, which will be reimbursed when your claim is accepted.
- You may be entitled to income protection through your superannuation insurance. Claiming income protection does not reduce your super balance. You may have income protection even though you did not ask for it. There is usually a waiting period for income protection.
- If your employer stands you down for suspected infection, contact your union, **LGRCEU**, as individual circumstances will vary and your rights will depend upon the circumstances.
- If you need assistance to make a claim, call SOUL LEGAL, the Union's preferred legal provider. We offer you “**No-win No fee**” representation. Our first consultation is **FREE** if you do not proceed with a claim.

Stay safe everyone – from the team at

LGRCEU & SOUL LEGAL