

THE WORKCOVER CLAIM PROCESS

STEP 1: NOTICE OF CLAIM

- Employer and WorkCover receive a Notice of Claim sent by the claimant's lawyers.
- WorkCover allocates a law firm to handle the matter (i.e BTLawyers).

STEP 2: FURTHER INFORMATION / INVESTIGATION

- BTLawyers makes contact with the claimant's solicitors, WorkCover and the employer (within 48 hours).
- WorkCover file is reviewed and further information gathered, including full employment and incident records, photographs, videos and statements. This may include a site inspection by BTLawyers or its agents.

STEP 3: ADVICE

- BTLawyers delivers the advice regarding the employer's liability, including:
 - whether a court would likely make a finding of negligence; and
 - quantum, which is how much the likely award of damages would be if the claim were successful at court.
- WorkCover issues a "liability response" admitting or denying liability.

STEP 4: CONFERENCE (PRE-LITIGATION NEGOTIATION)

- It is mandatory for the involved parties to attend a settlement conference prior to filing court proceedings.
- Employers are encouraged to attend conference to hear the claimant's case and provide any instructions to BTLawyers.
- Each party is required to make an offer to settle the claim (the offer is open for two weeks). That offer can be a "walk away" offer in some cases. If the offer is not accepted...

STEP 5: LITIGATION

- Claimant's lawyers have 60 days to bring proceedings (file a claim in court).
- A matter can still be resolved informally at any point prior to, and even during, the trial.