

Workplace Fatalities

Workplace Fatalities: Information for dependants of workers

WorkCover WA understands it is a difficult time after losing a family member in a workplace accident. If you are a family member who was wholly or partially dependent on the earnings of the worker at the time of the worker's death, you may claim workers compensation entitlements.

Who may be entitled to compensation?

Compensation can be paid to financially dependent family members, including:

- a current or former partner (spouse or de facto)
- children
- extended family members, but only where there is no dependent partner or children.

What compensation is available?

Compensation may include:

- a lump sum payment
- a regular allowance for dependent children
- funeral expenses up to a maximum amount
- the worker's reasonable medical and health expenses prior to their death.

Making a claim

To make a claim you need to complete a *Workplace Fatality Claim Form* and give the form and supporting documents, including the worker's death certificate, to the worker's employer. The employer will lodge the claim with their insurer and the insurer will manage the claim. Usually, a claim must be made within 12 months after the date of the worker's death.

The insurer will notify you in writing if the claim is accepted, disputed, or if additional information or documents are required. Where the cause of the worker's death is not clear, the insurer may be awaiting the outcome of a coronial investigation. This can often take some time.

If the insurer accepts the claim, an application will need to be lodged with WorkCover WA's Arbitration Service for an order to pay compensation. Talk to the insurer about this process as the insurer may lodge the application for you.

If the insurer does not accept the claim, you will be advised of the reason. If you disagree, you can still apply to WorkCover WA's Arbitration Service for the insurer's decision to be reviewed.

What happens at arbitration?

Arbitrators make legally binding decisions based on evidence, facts and law, and will determine any compensation to be paid. You or your legal representative may be required to attend arbitration hearings.

Everyone involved in the claim at arbitration will be informed of the Arbitrator's orders and, where required, the insurer will make compensation payments.

How to lodge a claim

The *Workplace Fatality Compensation Claim Form* and guidelines are available at workcover.wa.gov.au

You will need to attach supporting documents where required. If you need help, you can contact WorkCover WA's Advice and Assistance Service on **1300 794 744**.

Once you have completed the form, send it to the worker's employer who will lodge it with their insurer within seven days of receipt.

If your claim is disputed by the insurer or there are complications, you are encouraged to seek legal advice.

What documents are needed to make a claim?

If you are considering lodging a claim, your first step is to obtain copies of the following mandatory documents. Insurers will use these documents to assess and proceed with your claim. This information is also required for an arbitrator to make decisions.

Information about the worker:

- birth certificate
- death certificate
- marriage certificate (where applicable)
- bank statements
- payslips, tax returns or other proof of the worker's income
- funeral expenses documents.

Information about the dependent spouse or partner making a claim:

- birth certificate for the spouse or de facto partner
- statement from the de facto partner about the status of their relationship with the worker
- shared bank statements, expenses and other proof of how the spouse or partner was dependent on the worker
- payslips, tax returns or other proof of the spouse or partner's income.

Information about dependent children making a claim:

- birth certificate for dependent children
- evidence of school, vocational or university enrolment if the child is aged between 16 and 21 years.

Information about the circumstances of the worker's death and their employment may also be required. This can include a police report, a coroner's report and other evidence about what happened and how it was relevant to the worker's employment.

Disclaimer

This fact sheet contains information regarding workers compensation and injury management. It is intended to provide general information only. You should not act or omit to act on the basis of anything contained herein. This fact sheet should be read in conjunction with the *Workers Compensation and Injury Management Act 2023* and *Workers Compensation and Injury Management Arbitration Rules 2024*. You should seek appropriate legal/professional advice about your particular circumstances.

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Need further assistance?



Call WorkCover WA's Advice and Assistance Service on **1300 794 744** (8:30am to 4:30pm, Monday to Friday)



Visit workcover.wa.gov.au

