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Dear Member

Your rights at work: seeking medical attention for an injury

If you've been injured at work, it is important that you understand your rights so that you are placed in the best position possible should you wish to submit a workers' compensation claim later down the track. Many union members who have been injured report that they were bullied by their employer into situations that they felt uncomfortable refusing, particularly around medical appointments, doctor's reports and injury assessments.

If you are injured at work, it's important to seek medical advice – even if your injury doesn't appear to be serious. Some injuries, such as back pain or a stiff shoulder can turn out to be quite significant. Make sure you let your RTBU workplace delegate know if you've been injured, or a trusted co-worker, so that the necessary incident report paperwork can be started and you have a witness account.

When seeking medical advice, some employers like Pacific National will try to force you to see the company doctor. You can, and should, see your own doctor. There are limited instances in which an employer can legitimately request that you see the company doctor:

1. A once-off functional capacity assessment to ensure that you are fit to return to work
2. If your employment agreement, industrial agreement, employment contract or like document requires you to undergo a medical assessment i.e. fitness for work for safety critical workers

The workers' compensation insurer i.e. WorkCover can request you to see a doctor of their choosing at any time during your claim. If you have a non-work related injury and your employer is treating you adversely because of it, you should notify your union delegate.

If it is not one of these situations, you should feel confident in refusing your employer's request.

You also don't need to have an employer representative present at your appointment and you can, and should, refuse any requests such as this. Doctor appointments are private and confidential, and your employer is not legally allowed to come with you into the appointment or see your medical records unless you provide authority to do so. If your employer bullies you for your medical records, speak to your RTBU delegate immediately.

For more information on your workplace rights, call the RTBU on 07 3839 4988 as ask for a referral to the union's preferred lawyers, Maurice Blackburn.

Unity is Strength

Bruce Mackie

Queensland State President

YOUR RIGHTS AT WORK DOCTOR APPOINTMENTS



**1 I've been injured at work.
What's the first thing I should do?**

Seek medical advice immediately, even if your injury does not appear to be serious. It's better to be safe and have the injury thoroughly checked out by a medical professional.

You should alert your workplace delegate or a trusted colleague and ensure that any incident reports or necessary paperwork is completed.

2 Do I have to see the company doctor?

No. You can, and should, see your normal treating GP if you are injured.

There are limited instances in which an employer can legitimately request that you see a company doctor:

- A once-off functional capacity assessment to ensure you are fit to return to work
- If your employment agreement, industrial agreement, employment contract or like document requires you to undergo a medical assessment.

The workers' compensation insurer can request you to see a doctor of their choosing at any time during your claim.

If you have a non-work related injury and your employer is treating you adversely because of it, you should notify your union delegate.

3 Does a rep for the company have to come with me to my appointment?

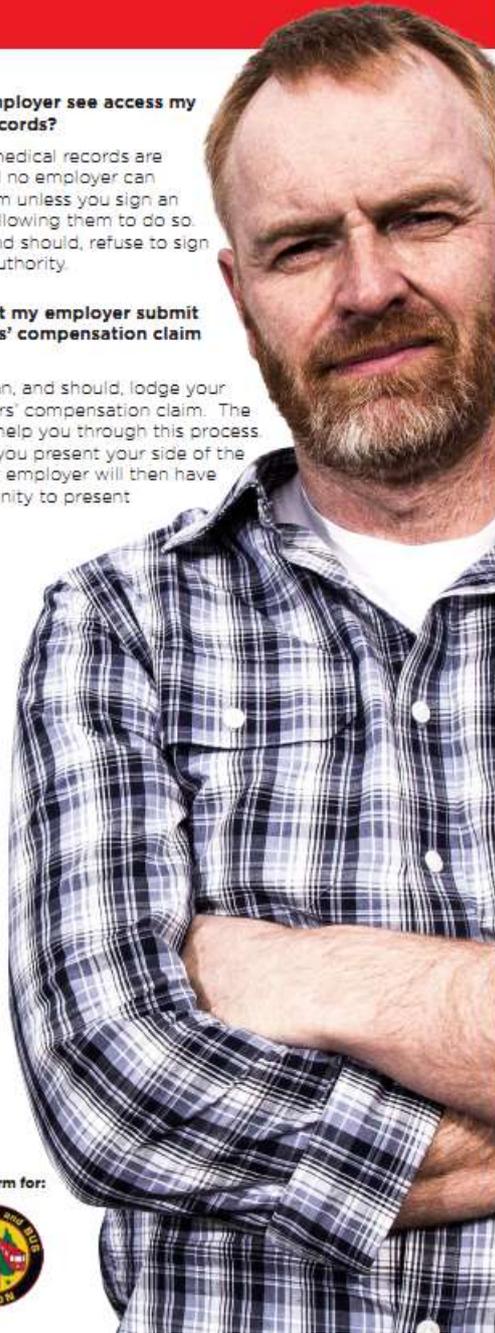
No. You can, and should, refuse to have any employer representative at your doctor appointment. If you would like to take someone with you to your appointment, speak to your RTBU delegate.

4 Can my employer see access my medical records?

No. Your medical records are private and no employer can access them unless you sign an authority allowing them to do so. You can, and should, refuse to sign any such authority.

5 Should I let my employer submit my workers' compensation claim for me?

No. You can, and should, lodge your own workers' compensation claim. The RTBU can help you through this process. This helps you present your side of the story. Your employer will then have an opportunity to present their side.



Preferred law firm for:

1800 810 812
mauriceblackburn.com.au

This information is of a general nature only. Please talk to your RTBU delegate for specific information for you.

