

Workplace fatality:

A guide for family and friends

When a person has died as a result of a work-related event, there are a number of workers' compensation entitlements that may be payable.

A fatality, can be as a result of two different situations. A worker can die instantly from a work-related injury or due to an injury following from acceptance of a statutory compensation claim.

Compensation for a fatal injury may include lump-sum or quarterly payments for dependants, as well as reasonable expenses to cover the cost of a funeral.

Lodging a claim

WorkCover understands it can be a difficult time for family members after losing someone in a workplace accident. Due to the sensitive nature of this type of claim, family members are encouraged to call **1300 927 928** to lodge the claim. It may be helpful to ask someone such as another family member or friend to help you.

Determination

The first step in determining a fatal application is to determine whether the worker died because of a work injury. The following steps need to be considered when establishing whether we accept a claim:

1. The person was employed at the time of the injury by the employer
2. The person is considered to be a worker
3. The fatal injury was caused by a work-related event
4. The person was fatally injured out of, or in the course of, employment, if employment is a significant contributing factor
5. Employment doesn't need to be a significant contributing factor for a fatality that occurs during a journey or recess (e.g. heart attack while driving to work).



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Funeral

WorkCover will reimburse the reasonable expenses of a worker's funeral. WorkCover reimburses the person who paid the account or is able to pay the funeral home directly if appropriate.

Establishing dependency

Once a claim is accepted the next step is to determine if the deceased worker had any dependants at the time of death. WorkCover receives claims for dependency payments from the following people:

- spouse of a deceased worker
- children of a deceased worker who are under the age of 16 or up to the age of 21 and are still full time students, regardless of whether they were living with the deceased
- grandchildren or foster children of the deceased
- adult child of the deceased
- parent of the deceased
- a person who has consistently been financially supported by the deceased, at the time of their death provided they are a member of the deceased's family (please note that this doesn't have to be biological).

WorkCover may request the following documents and information following the death of a worker to determine the entitlement to compensation:

- the will of the deceased worker, if applicable
- letters of administration if there is one
- marriage certificate or proof of a defacto relationship (joint bank accounts, utilities accounts in both name etc.)
- for a dependent child of the deceased worker – a birth certificate
- tax returns for the deceased worker and the applicant for the three years prior to the date of death
- trust accounts for a dependent child/children.

Useful information

The following page has contact details for various government agencies and support services that may be of assistance.



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Death, birth and marriage certificates

Registry of Birth, Deaths and Marriages

CBA Building Level 32

180 Ann Street Brisbane QLD 4000

Postal address: PO Box 15188 City East QLD 4002

Phone: 1300 366 430

Anyone outside Brisbane should contact their local Queensland Government Agent Program (QGAP) office or Magistrates Court Office.

Coronial family services

Queensland Health Forensic and Scientific Services

39 Kessels Road Coopers Plains QLD 4108

Phone: 07 3096 2794 or 1800 449 171

Email: fss.counsellors@health.qld.gov.au

Website: www.health.qld.gov.au/qhcss/qhss/fss/forensic-path.asp

Wills

Public Trustee of Queensland

Phone: 1300 360 044

Website: www.qld.gov.au/wills

Office of industrial relations workplace health and safety workers' compensation regulator

Phone: 1300 362 128

Freedom of information

Any authority anyone has to act for another person, ends when they pass away. WorkCover Queensland will need confirmation that the applicant is named as an executive of the deceased Worker's will or letter of administration has been granted, before any information is released.

Australian tax office

Phone: 13 28 61

Letter of administration

If a person dies without a valid will, there is no executor and therefore they have died intestate. The next of kin, takes on the role of administering the deceased's estate. They can't do this until they receive a grant of letters of administration on intestacy.

Letters of administration show that the court has examined the relevant documents and is satisfied that the person named in the grant is authorised to administer the estate.



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Grief and support

Medicare can provide up to 10 individual counselling consultations in one calendar year through General Practitioner referral and undertaking of a mental health plan.

The **Office of Industrial Relations** can also arrange for 10 hours of grief and trauma counselling for immediate family and others affected by a work related fatality, illness or serious incident.

Phone: 1300 631 904

Email: ohs.coronialliaison@oir.qld.gov.au

Supreme court of Queensland

Executive Director Queensland Courts Service PO
Box 15167 City East Qld 4002

Email: courtservices.feedback@justice.qld.gov.au

Website: www.courts.qld.gov.au

Lifeline

Phone: 13 11 14

Website: www.lifeline.org.au

Kids lifeline

Phone: 1800 551 800

Website: www.kidshelp.com.au

WorkCover Queensland

Phone: 1300 927 928

Website: workcoverqld.com.au

Email: info@workcoverqld.com.au

Who to advise

In addition to family and friends, you may need to advise some of the following organisations:

- insurers (e.g. car, home, health, life)
- financial institutions
- mortgage providers
- superannuation providers
- Australian Tax Office
- Medicare
- Transport and Main Roads (driver's licence)
- Australian Passport Office
- consulate offices for the country of any other passports issued to the person
- clubs or associations your partner or relative was a member of.

