



## Worker's compensation lump sum payments for permanent impairment Queensland

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If a worker is injured at work in Queensland and suffers a permanent impairment, they may be entitled to lump sum compensation under the [Queensland worker's compensation scheme](#).

The information provided in this article applies to workers in Queensland who are not employed by a [Comcare employer](#) or self-insured employer. If you are unsure which situation applies to you, a human resources/HR contact at your workplace should be able to assist you.

### What is permanent impairment under the Queensland worker's compensation scheme?

A permanent impairment is when an injury stays the same over time and isn't likely to improve with further rehabilitation or treatment and has led to:

loss of effective use of a part of your body; or

loss of part of your body; or

a psychological or psychiatric incapacity.

The level of impairment is a percentage calculated by a medical practitioner based on the effect of the injury on the injured worker's

life.

The permanent impairment percentage will be used to calculate the amount of lump sum compensation that will be offered to the injured worker.

## When will I be assessed for permanent impairment?

A worker's compensation permanent impairment assessment will take place once the injury is 'stable and stationary', meaning that the injury is unlikely to improve with further treatment or rehabilitation.

The assessment process for permanent impairment can be started at the request of either the injured worker or WorkCover Queensland.

WorkCover Queensland will then organise an assessment with an appropriately qualified medical practitioner/s. The medical practitioner will prepare a report which will include the permanent impairment assessment as a percentage.

Once the report is received, WorkCover Queensland will calculate a lump sum compensation offer based on the permanent impairment percentage and send this to the injured worker.

The worker can either accept, reject or defer the lump sum compensation offer.

## Why would I reject or defer a worker's compensation permanent impairment offer?

In Queensland, when a worker's permanent impairment is assessed as being less than 20% then that worker must choose between accepting a worker's compensation permanent impairment offer for a lump sum payment or pursuing worker's compensation common law damages. If the worker chooses to pursue a common law claim, they will be taken to have rejected the lump sum payment offer.

The worker also has the option to defer the permanent impairment offer while they consider their options as to whether to accept the offer or pursue common law damages.

If an injured worker's permanent impairment is assessed as being 20% or more, they are able to accept the permanent impairment lump sum payment **and** pursue common law damages.

A common law damages claim may, depending on the circumstances, be a higher monetary value than a worker's compensation permanent impairment payment. However, in order for a common law claim to be successful, it also requires the injured worker to prove that their employer was negligent and that this negligence caused the injury.

Negligence is a significant legal burden to meet. Therefore, particularly if your permanent impairment is less than 20%, it is important for you to seek advice about whether you may have prospects of a successful common law claim before you decide

whether to accept the lump sum offer or not.

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## What if I disagree with the permanent impairment calculation?

If you disagree with the permanent impairment calculation, you can request that your permanent impairment be calculated by another doctor or by the Medical Assessment Tribunal.

You must do this within 20 days of receiving the assessment notice. Decisions of the Medical Assessment Tribunal are final.

If you're unsure whether or not to accept a permanent impairment offer as you think it's too low (or you may be entitled to common law damages), you should seek legal advice before accepting or rejecting the offer. You must do act on this prior to the 20-day time limit ending.

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## Get help from a worker's compensation lawyer

If you've been injured at work in Queensland and you've received a worker's compensation permanent impairment offer, we recommend that you speak with our expert worker's compensation lawyers as soon as possible to ensure you maximise any entitlement to compensation, including common law entitlements. Remember, time limits apply to responding to an offer to settle your permanent impairment claim.

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*This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.*