

Common Law Claim Notice

Common law claim notice approved under regulation 25 of the Workers' Compensation and Injury Management Regulations 1982

In addition to having your workers' compensation claim accepted, you may also have the right to claim for common law damages against your employer in the District Court.

A common law claim is different to the claim you made for compensation and is made outside the workers' compensation system.

There are restrictions on whether workers can pursue a common law claim. You should consider the information below carefully, and if you wish to take matters further – seek advice.

To make a common law claim you must –

- have a degree of permanent whole of person impairment of 15% or more
- lodge what is known as an 'election' to retain the right to seek common law damages with WorkCover WA's Director Conciliation
- make a common law claim in the District Court after the election is registered
- ensure your claim is made within a period of time known as a limitation period (which is generally 3 years)

It is important to understand that if you make a common law claim, your level of weekly compensation may be reduced.

You can get advice by contacting your Union, or to find a lawyer by contacting the Law Society of WA at <https://www.lawsocietywa.asn.au/find-a-lawyer/>

If you are a non-English speaker and require a language service, please visit the WorkCover WA language page at <https://www.workcover.wa.gov.au/languages/>