

## **What to do if you were injured on 1<sup>st</sup> January 2004 or later**

**March 2011**

### **When the National Board of Industrial Injuries receives a claim**

When we receive a claim regarding your injury or disease, we register a case. We use your personal ID ("CPR") number or date of birth as a file number. If you have had several accidents or suffer from several disorders, we register a claim for each, but in some cases the claims are handled together. If you do not want us to handle the claim, you only need to inform us within 7 days. You can ask us any time, however, to stop processing your claim.

### **The Workers' Compensation Act has two concepts of industrial injury**

- **Accidents:** An incident or exposure that occurs suddenly or within five days (for instance falling from a ladder or an office employee moving furniture)
- **Occupational diseases:** Exposures for a relatively long period of time (for instance heavy lifting work or exposure to substances causing allergy)

### **We gather information**

For the assessment of a claim we usually need information in addition to the information stated in the claim form. This information we may get from yourself, your employer, your family doctor, or your local authority.

If we are handling an accident claim, we may need additional information on the incident as such. If we are handling a claim regarding an occupational disease we often look for information on the specific disease.

Once we have sufficient information, we are able to make an assessment of whether to recognise the claim as an industrial injury and whether you may be entitled to compensation under the Act.

### **What we expect from you**

When we ask you to answer questions to be used in the processing of your claim, we expect you to answer all such questions. We do realise, however, that there may be questions that you cannot or do not wish to answer. In those cases you just go on to the next question. If you do not answer our questions or reminder letters, we make a decision against the background of the information we have received.

### **The role of our medical consultants**

Medical information we usually get from a medical specialist. The medical specialist

cannot and should not try to decide if the disease qualifies for recognition as an occupational disease. The role of the medical specialists is to give an account of your disease and your complaints. We then make use of the information in question, together with other information, in our legal assessment of your claim. Thus our decision may not follow the specialist's assessment because other information carries more weight under the Act.

The National Board of Industrial Injuries employs a number of medical consultants within various specialties. Against the background of the medical information gathered for the claim, the medical consultants make a medical statement to be used in the processing of the claim.

It is the Board's caseworkers who, together with the medical consultant, decide if the disease should be recognised as an occupational disease.

Once we have made a decision, we can send you a copy of the medical consultant's opinion of your claim.

### **Benefits under the Act**

- Compensation for permanent injury (day-to-day health problems)
- Compensation for loss of earning capacity (the ability to make a living through work)
- Payment of glasses, prostheses, or other aids
- Payment of certain types of curative medical treatment, medicine, and retraining
- Payment of reasonable travelling expenses etc. in connection with treatment or examinations
- Compensation for future expenses in connection with cure, retraining, and aids
- Transitional payment in the event of death
- Compensation for loss of breadwinner
- Compensation for survivors (if another person is to blame for the death and the survivor and the deceased were close)

The compensation payments may be reduced if the permanent injury or loss of earning capacity was not only caused by the industrial injury.

### **Reimbursement of expenses in connection with the claim**

If, due to the injury or disease, you have expenses in connection with physiotherapy, medication, transport etc., you need to send the invoices to your employer's insurers. The insurance company will first decide whether to reimburse the expenses.

Please note that all types of treatment are not covered. You may ask the insurance

company for approval beforehand. If some of your expenses are covered by "Sygeforsikringen Danmark", you need to inform us of this.

You cannot get –

- compensation for lost earnings
- compensation for pain and suffering
- compensation for violation of your personal integrity (“tort”)
- compensation for damage to things, for instance clothes
- reimbursement of legal costs (lawyer or assistance from associations)

### **How we make a decision**

(1) If your injury or disease is not an industrial injury, you will receive a decision letter telling you that the injury does not qualify for recognition.

- If your injury or disease is an industrial injury, you will usually receive one letter including
- a decision that the injury has been recognised
- one or more decisions on compensation payments

It may become necessary to gather additional information in order to assess the effects of the injury. If this is the case, we will inform you that we are beginning to gather information on the claim in order to determine any compensation. You may then usually assume that the injury will be recognised.

### **Access to the documents of the case**

You are allowed to receive copies of all the documents of the case. While we are processing your claim, you will receive copies of the letters we send. In this way we can keep you updated on what is happening and on the information we are gathering at the moment.

### **Ongoing hearing of parties**

We hear you while we are processing of your claim. This means that we send you relevant documents that we gather and receive.

This gives you a chance to comment on the documents of the case. When we send you documents we enclose a letter telling you that you have 14 days to make any comments. You can also follow your workers’ compensation claim here: <https://sesag.aes.dk>

## **Your rights under the Danish Act on the Processing of Personal Data**

Under this Act you are entitled to –

- receive information about the kind of information we gather
- get access to the information used in our claims processing system
- object to information being used in our claims processing system
- demand that information that is false, misleading or illegal should be rectified or blocked in our claims processing system

### **Access to blocking**

You may ask for blocking of false, misleading and illegal information in your case so that the information in question cannot be used in the processing of your claim or given to others. Please note, however, that there is information that we need to have in order to be able to process and make a decision on your claim.

### **Representation by others**

You have a right to give power of attorney to someone representing you. You can also let another person assist you with your claim. If you want to do this, you need to inform us in writing. You decide for yourself the extent of the power of attorney. If you leave all rights to someone else, for instance your trade union, we will be writing to the trade union instead of you. The full or partial power of attorney may include –

- access to the documents of the case
- hearing of parties to the case
- the right to comment on the case before a decision is made
- the right to ask for postponement of the case in order to comment on it
- the right to be informed of decisions regarding the case
- the right to apply for resumption of the case
- the right to submit the case to the National Social Appeals Board

### **If you disagree with our decision**

If you believe our decision is wrong, you can send us a complaint. In some cases we reassess the claim without forwarding it to the National Social Appeals Board. If we make a reassessment you can, of course, file a complaint against the new decision as well.

Together with our decision letter you will receive a complaint guide informing you how to complain and stating the time limit.

**If circumstances change**

If, after our decision has been made, there are significant changes in your health situation or occupational situation and such changes were caused by the industrial injury, we may resume your case if you ask us to. Our decision letters state the time limits for resumption.

**Opening hours and telephone number**

We refer to the general information on our website.