



FACT SHEET

Workers compensation changes: information for employers

In June 2012 the government introduced changes to the Workers Compensation Scheme in NSW. The reforms are focused on assisting injured workers to return to work, and will return the scheme to financial sustainability without requiring massive increases in your premiums.

Focus on return to work

Evidence shows that getting injured workers back to work early is an important part of their recovery. As well as reducing the impact of an injury on your worker and their family, early, safe and durable return to work:

- gets your skilled and experienced workers back in the workplace – benefiting your business
- can lower your particular premium costs, if you are a medium or large business
- reduces the likelihood of large, scheme-wide increases to premiums to address the financial deficit.

The reforms provide incentive for injured workers to return to work. They also reinforce your obligations as an employer to help them do that – including providing suitable employment for them if they have some capacity to work.

Key reforms

Benefits

Benefits for new claims are now based more closely on an injured worker's real earnings prior to injury – incorporating things like overtime and shift allowance, which removes the distinction between award and non-award workers. By filling out and submitting the new *Pre-injury average weekly earnings form* (catalogue no. WC03303) with your injured worker's claim, you will help ensure they receive the correct entitlement to weekly payments.

If your injured worker was claiming prior to the reforms, a 'transitional amount' (which is significantly higher than the old statutory rate) will be used as their deemed pre-injury earnings.

Weekly payments are now linked to return to work, with more benefits during the first 13 weeks (when 80 per cent of injured workers return to work) and thereafter if the worker works for at least 15 hours a week.

Work capacity assessments

Your insurer now assesses your injured worker's work capacity. This looks at their capacity to return to any type of suitable employment. A new *WorkCover NSW certificate of capacity* (catalogue no. WC01300) is replacing the old *WorkCover medical certificate*, to help doctors provide more advice on your injured worker's capacity to work.

If your injured worker is assessed as having some capacity to work, you must (as far as is reasonably practicable) find suitable employment for them. Under the reforms, you are subject to improvement notices or fines if you do not follow through with this commitment (note that during a three month grace period from 1 October 2012 these employer improvement notices will only be applied in serious circumstances).

If you need help with identifying suitable work, please contact WorkCover. We are taking steps to work with employers to improve return to work outcomes and identify suitable duties for injured workers.



Claims and lump sum benefits

From 19 June 2012 there are new arrangements for journey claims, lump sum payments, and nervous shock, heart attack/stroke and disease injury claims.

Seriously injured workers

Seriously injured workers are exempt from time limits that apply to weekly payments, and medical and related expenses.

Implementation

The reforms have been implemented in stages from June 2012. All claims made on or after 1 October 2012 are subject to the new legislation and benefits.

If you have an injured worker who was claiming prior to the reforms then they will be transitioned to the new legislation in 2013 (or if they are seriously injured they would have received improved benefits from 17 September 2012).

More information

The information in this fact sheet is general only. If your injured worker would like to discuss the specific impact on their claim, they should contact their claim manager.

For more general information about the reforms, visit workcover.nsw.gov.au or call 13 10 50.

Please note: The workers compensation changes do not apply to some workers. The excluded groups are police officers, paramedics, firefighters, coal miners and workers who make dust diseases claims.

Disclaimer

This publication may contain work health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website (www.legislation.nsw.gov.au).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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