

Managing Occupational Health and Safety in the Hospitality Industry

The Law



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Industries



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Acknowledgments

This manual was developed in consultation with the following groups, and their assistance is gratefully acknowledged.

- Australian Hotels Association (SA)
- Clubs SA
- Hotel Motel & Accommodation Association of SA
- Restaurant & Catering SA
- Tourism Training SA
- DAIS, Workplace Services
- WorkCover Corporation
- CGU Workers Compensation
- Dominant Chemicals
- FSI Fire Training International
- Group Training Australia (SA) Inc.
- Institute of Hospital Catering Ltd
- Liquor, Hospitality and Miscellaneous Workers Union
- Para Hills Community Club Inc.
- Regency Hotel School
- Work Style
- WorkCover Corporation Grant Scheme
- WorkCover Corporation's Marketing & Communications Department

Other individuals and businesses representing a broad cross section of industry

Designed and produced by WorkCover Corporation's Marketing & Communications Department



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September 2000

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This series of manuals has been developed to provide small and medium sized employers with information on how you should go about managing health and safety in your workplaces. The manuals have been developed in consultation with WorkCover Corporation and a broad cross-section of representatives from the hospitality industry.

These manuals will help you as employers to:

- understand the law
- manage hazards at your establishment
- maintain all the appropriate paperwork and records
- manage your employee's injuries if they do happen.

The hospitality industry in South Australia is one of the fastest growing industries in the State. It is characterised by a highly mobile workforce that provides employment opportunities not only to young people but also to people of diverse cultural backgrounds and with varying social status and needs. With a large number of part time and casual workers and very irregular work hours it has been difficult for the many employers in this industry to effectively manage the broad range of safety issues that exist in their work places.

The hospitality industry has the fourth highest workers compensation costs of all South Australian industries. The industry recognises the problems encountered by many employers, especially small and medium sized employers, in dealing with these issues. The SAfer Industries program, through WorkCover Corporation, has taken steps to address these problems.

SAfer Industries is an industry-based approach to achieving better workplace health and safety. It focuses on a cooperative approach to tackling industry-wide health and safety issues, to improve productivity and reduce work-related injuries. Through this approach a Strategic Plan and objectives have been established for the industry which affects every person who owns or manages a hotel, bar, cafe, restaurant, kitchen, accommodation or licensed club.

The aim of the Strategic Plan is to prevent injuries and reduce the related costs of workers compensation claims, which will have a flow on effect to workers compensation levies as well as direct benefits for workers.

I encourage you to make full use of this booklet.

Angelo Mignanelli
Chair of Hospitality Industry OHS Committee



Introduction

Like most small employers, you probably know that there is legislation about occupational health, safety and welfare (OHS&W) and compensation. Many employers realise that they need to do something about it, but sometimes – for one reason or another – don't get around to addressing health and safety issues.

Waiting for an accident may be leaving it too late to take action. Apart from the possible increase in insurance levies and all the other associated costs with an accident, you may be prosecuted and fines now range from \$1,000 to \$100,000. That is a lot of money to find over and above the indirect costs of a worker being injured. Research shows that this is usually around nine times more than the direct costs – money that comes straight off your bottom line.

This guide to OHS&W law has been developed for you by the Hospitality Industry OHS&W Committee with the assistance of WorkCover Corporation, under the SAfer Industries Program. The content gives you a clear picture of your responsibilities for prevention and injury management. It is not meant to scare you, it is just meant to make you aware that you and your staff have duties. You and your staff have an obligation to comply with these duties.

It would pay you to read this guide now and do something before it is too late.

This guide is designed as a plain language summary of the Occupational Health, Safety and Welfare Act 1986 and the Regulations that apply to the hospitality industry employers and employees in South Australia. It should not be seen as a substitute for those laws and you are advised to obtain a copy of the Acts, the Regulations and the approved codes of practice that are recommended in this document.

You are advised to read them and apply them to your workplace as required. It is a good idea to seek further professional assistance if you are unsure about what you need to do.



1. Health and Safety Law in South Australia

Health and Safety Laws protect all workers in South Australia, irrespective of their occupation or the size of the business. These laws provide guidance on how occupational health, safety and welfare (OHS&W) should be managed as well as providing a framework for prosecution if the laws are not complied with.

There are two main areas of law that affect business operations

- Occupational Health and Safety, and
- Worker Rehabilitation and Compensation.

Through this booklet you will be given information on both of these laws as to what your duties are as employers, and how you might be able to satisfy those duties.

2. OHS&W Law

The OHS&W law is made up of three parts. All of these documents have different purposes but failure to comply with any of them may mean that you have broken the law and you may be prosecuted.

The three parts are:

- The Occupational Health, Safety and Welfare Act 1986 (the **Act**), which is the principle legislation and determines who is responsible for what and therefore who is prosecuted when things go wrong.
- The Occupational Health, Safety and Welfare Regulations 1995 (the **Regulations**), which support the Act and provide further information about duties and how to satisfy them. The Regulations have the same authority as the Act, but provide much more information on how to fix the problem.
- **Approved Codes of Practice**. Codes of Practice provide more detailed information and practical guidance for an industry or employer on how to achieve a particular standard of workplace health and safety.

3. The Occupational Health, Safety and Welfare Act 1986

This Act applies to all workplaces in South Australia, and sets out the general requirements and responsibilities for OHS&W in the workplace. It is made up of 71 Sections and the following are the most relevant for employers of small businesses.

3.1. Purpose of the Act

The purpose of the Act is to prevent injuries and illness to people at work.

It also aims to:

- involve employers and employees in OHS&W matters
- encourage employer and employee associations to promote workplace health and safety
- protect the public from injury or illness arising from workplaces.

3.2. Employer Duties

If you employ another person in any capacity – whether they are casual, permanent, full-time, part-time, contractors or even family – you are responsible for complying with these sections. You have a duty of care to ensure the safety and well-being of these people.

As an employer you must:

- **provide a safe place of work for your staff**

The work environment such as the kitchen, front of house (customer) areas and back of house (bar areas, kitchens etc) must be free of hazards and risks to the health and safety of your staff.

- **provide a safe system of work for your staff**

This means the way the work is done, the work instructions and procedures that are used by your staff.

- **provide safe plant and equipment for your staff to use**

This means the cookers, mixers, washers and even the hand tools such as knives and other implements have to be provided in good safe condition and maintained in that condition.

- **make sure that your staff get training and supervision relevant to the job they are doing**

You cannot just hire a staff member and leave them to do their job; you have to provide training in the way you want that person to do their job and for a period of time you should provide supervision to help them do the job.

- **provide adequate welfare facilities**

You need to make sure that your staff have access to adequate meal areas, toilets, and first aid facilities.

As an employer, you are also required to:

- monitor working conditions and the health and welfare of your staff
- keep records of accidents and injuries
- make sure your staff are given information about hazards
- make sure that your supervisors know what they have to do.

3.3. Documentation

Section 20 also requires that you prepare and maintain a *policy* that is a written statement of your intention to keep the workplace safe and written procedures as to how you are going to do that. These documents must be developed in consultation with your staff and should be reviewed regularly to make sure they are appropriate.

3.4. Employee Duties

As an employer, you should also be aware of what your staff are responsible for. You must comply with these requirements as well.

All employees must:

- protect their own health and safety at work
- not do anything that may affect the health and safety of others
- use any equipment provided for health and safety purposes
- obey instructions relating to health and safety
- make sure that they do not cause harm to themselves or others at work as a result of being affected by drugs or alcohol.



3.5. Duties of the Self Employed

Self-employed people must take reasonable care to protect their health and safety and the health and safety of any other person.

3.6. Owners of Buildings

If you own the building that your business is in you have a duty to ensure that the building is in a safe condition. Floors, walls, ceilings and any other aspect of the building that you have control over must be in good condition.

3.7. Occupiers of Buildings

If you are also the occupier, or if you are only the occupier, who has control of the building you have a duty to make sure all the aspects of the building are in good safe condition. This may mean reporting faults to the owner of the building, as well as maintaining your own fixtures and fittings and making sure there is safe exit and entry for staff and customers.

There may be some aspects of building safety that you will have to talk to the owner about to maintain.

3.8. Designers of Buildings

If you are involved in the design or layout of your premises you may also have a responsibility in this area. People involved in the design of buildings that are likely to be used for work must ensure that the building design allows people to work safely.

3.9. Manufacturers and Suppliers of Machinery and Substances

Any person who manufactures or supplies anything that is likely to be used at work has a duty to make sure that machinery or substances are safe to use, store and transport. They must also supply appropriate information about any hazards associated with the item.

3.10. Consultation

The Act requires that as an employer you must consult with your staff on matters relating to OHS&W.

To consult with your staff means that you need to talk to them about OHS&W issues in their work areas, or issues that may affect them while they are at work. The consultative process can be a very valuable tool in your OHS&W management process, because it gives you direct access and feedback to your staff.

The Act provides two formal ways that you can consult with your staff:

- Health and Safety Representatives (HSRs); and
- Health and Safety Committees (HSCs).

3.10.1. Health and Safety Representatives

HSRs are employees elected by the members of their designated work group to represent them to management on issues relating to OHS&W. The HSR can be a very useful resource to your business in managing OHS&W.



3.10.1.1 The Role of the HSR

The role of the HSR is to represent their nominated work group on issues relating to OHS&W and to work with management to resolve those issues.

Once elected, the HSR has the right to:

- undertake certain inspections of the workplace for safety hazards
- be consulted on OHS&W issues in their work area and especially to be notified of any accident that affects a member of their work group
- be involved with the visit of any Workplace Services (Department for Administrative & Information Services) inspector
- take action on unsafe conditions or work such as issuing default notices and speaking directly to Workplace Services
- be present at any interview with another employee relating to OHS&W if the other employee requests it.

3.10.1.2 Election of a Safety Representative

If one of your employees asks for an HSR to be elected, you have 14 days to begin the process of having one or more elected. While the employees are responsible for electing the HSR, as the employer you will play a significant role in assisting the process.

Any employee who is a member of the workgroup can nominate as an HSR.

The election process will require you to:

1. set up work groups that ensure equal representation. This is done in consultation with your employees and may consider things such as:
 - the number of people working in an area or that do certain types of work in that area
 - the range of operations or work done by those people
 - shift work, overtime or the hours worked
 - the hazards that staff are exposed to in that area.
2. assist with the appointment of a returning officer to conduct the election process. This can be anyone, as long as at least 50% of the employees agree with that person being appointed.

The Returning Officer will:

1. call for nominations, stating the day, time and place for the election. Any employee is allowed to nominate as an HSR. If only one nomination is received, that person will be the HSR. If more than one nomination is received it will have to go to a vote.
 2. conduct the election. If one person asks for a secret ballot then one must be conducted. Otherwise a show of hands is sufficient to determine who the HSR will be. Management personnel should not vote in the election.
- The HSR is elected for a three-year term, unless they leave the company, leave that workgroup, or at least two thirds of the work group are not happy with having that person as an HSR.
 - The Returning Officer has to keep copies of all nominations and ballots for six months.
 - The HSR is responsible for sending a Notification of Election (as shown in the Managing OHS in the Hospitality Industry booklets) to WorkCover Corporation within 14 days.
 - Deputy HSRs can be elected if there is more than one nomination for that role. The election process for the Deputy can be either to appoint the person with the second most votes, to hold another election directly after, or to hold a separate election. The Deputy will only be involved if the HSR is not available for any reason.



3.10.2. Health and Safety Committees

HSCs can be a very valuable resource in the management of OHS&W in your business.

The functions of the Committee include:

- assisting cooperation between employers and employees on health and safety;
- resolving issues that the HSR and the supervisor or manager cannot resolve;
- assisting with development and changes to workplace policies and procedures;
- general consultation between employers and employees.

If you have 20 employees or more and at least five of them ask for an HSC you must establish one.

3.10.2.1 Establishing a Health and Safety Committee

When establishing the committee, some of the main guidelines are:

- At least 50% of the members must be employees.
- Members are elected for a three year term.
- Meetings must be held regularly and at least every three months.
- Employee representatives must be elected by the staff.
- Minutes must be kept and retained for all meetings.

Some of the key issues to consider when setting up the committee are:

- Staff representation on the committee, considering such things as:
 - the size of the workplace and the workforce
 - shifts and rosters
 - the nature of the work being performed.
- The functions of the committee when it is established.
- Providing resources and time for the Committee to meet.
- Making sure that management are members of the HSC.
- Making sure all employees know who is on the Committee and what it does.

You may have to coordinate the election process for employee representatives in the same way that the HSR was elected. Any employee can nominate for the committee. Committee members do not have to be HSRs, although the HSR should be encouraged to join. The committee elects a chairperson (who can be any of the members of the committee) who will hold the position for 12 months.

Management representatives can be elected or appointed by management.

WorkCover Corporation has to be notified of the election of the committee using the Notification of Election form available from WorkCover Corporation.

3.10.3. Consultation for Smaller Employers

If your business employs less than 20 people consultation can take place in a more informal manner. You may be able to have regular and irregular meetings with your staff either before or after work, during which you can discuss with all of them any OHS&W issues they have. You should encourage your staff to approach you on OHS&W issues as they occur.

You must keep records of the meetings, including the outcomes of all discussions.



4. The Occupational Health, Safety and Welfare Regulations 1995

The Regulations not only provide further information on how to satisfy duties under the Act, they also provide a framework for your hazard management.

Where the Act provides minimum standards, the Regulations provide principles and practical steps for the management of hazards. Using these steps can ensure that the safe systems of work required by the Act are developed and implemented.

4.1. Hazard Management Principles

A **hazard** is something that has the potential to cause injury or illness to somebody.

The employer is responsible for knowing what hazards exist in their work place and for having appropriate controls in place to minimise the risks to their employees.

Hazards can range from harmful chemicals to a slippery floor, a load that is too heavy for a person to lift safely, prolonged standing or the stress associated with front of house activities.

The Regulations provide a three-step process to manage hazards.

You have to:

1. identify all hazards in the workplace
2. assess the risks associated with these hazards
3. control the risks to health and safety arising from these hazards
4. evaluate the effectiveness of the controls.

4.1.1. Hazard Identification

Methods for identifying hazards include:

- inspecting the workplace, using a checklist to identify potential hazards
- consulting with your staff to see what problems they have noticed
- checking records of injuries and incidents which have occurred in the workplace, or in other similar workplaces
- checking regulations, codes of practice, supplier's information and other relevant publications for information about what might be hazardous.

4.1.2. Risk Assessment

Risk is a combination of the **likelihood** and the **severity** of accidents being caused by a hazard. For each hazard identified, you must determine the level of risk created by the hazard by undertaking a **risk assessment**.

This is best done in consultation with your staff and using a Risk Assessment Tool such as presented in the 'How To Guide' for managing OHS&W. It may also be necessary to get further information from experts or documentation while doing the assessments.

4.1.3. Risk Control

When the risks have been assessed you should be able to prioritise them for action, dealing with the highest risks first. You then have to develop and implement appropriate controls to eliminate or minimise the risk to your staff and others.

The Regulations provide a priority order, or hierarchy, for risk control. With the hierarchy, control measures from the top of the hierarchy are the most effective and should be the first choice wherever possible.

Those at the bottom of the hierarchy are less reliable and more difficult to maintain.



The hierarchy is:

4.1.3.1 Elimination

The hazard should be eliminated at its source rather than trying to make an employee work safely in a dangerous environment. This can be done through the elimination of the job entirely or the elimination of the hazard completely.

Example: A damaged mat or carpet that is posing a tripping hazard may be able to be removed completely.

If that is not practicable you should consider substitution.

4.1.3.2 Substitution

You may be able to substitute the hazardous aspect of the operation with a less hazardous option.

Example: You may be able to use a less harmful chemical for cleaning, or get heavy objects supplied in smaller packs to reduce the risk of manual handling injuries.

If that is not practicable you should consider engineering controls.

4.1.3.3 Engineering controls

Try to design out the risk or provide some form of mechanical assistance. You can isolate some hazards with barriers or guarding. In other instances you may have to modify switches or similar.

Example: Exhaust ventilation can remove harmful fumes from the work area.

If that is not practicable you should consider using administrative controls.

4.1.3.4 Administrative controls

You may be able to change work schedules, standard operating procedures and training in safe work practices.

Example: With heavy lifting a team of workers could share the load.

If that is not practicable you need to consider using personal protective equipment.

4.1.3.5 Personal protective equipment

The last level of control is the use of personal protective equipment (PPE).

Example: Gloves or protective aprons in some areas will protect people from splashes of hot or hazardous substances.

4.2. Information, Instruction and Training

In all businesses key people need to have training to be aware of their duties and role. You have to provide staff with appropriate information, instruction and training relevant to the hazards they are exposed to and their level of knowledge and skill.

This is especially so for:

- managers and supervisors who have a key role in the OHS&W process
- staff that have to do hazardous work which is new to them
- changes to the workplace that could increase the risk of injury
- inexperienced and new employees
- Health and Safety Representatives (entitled to five days approved training per year)
- other personnel who will play a role in the OHS&W process.

Training can be provided internally, externally, on-the-job or during meetings. While certain employees will need training for particular tasks or hazards, all employees should know about such things as fire, emergency and first aid procedures.

Any information and instruction must be supplied in a language that the staff is likely to understand.

Finally, you must retain records of training, especially for safety training that is associated with a risk to the health and safety of the worker. These records have to be maintained for five years.

4.3. Supervision

You must provide suitable and adequate supervision to ensure the health and safety of your staff. Of course for your more experienced personnel this is not an issue, but more supervision will be required for inexperienced, part-time or casual workers, or where there are risks to health and safety associated with the work.

4.4. Managing Particular Hazards

The Regulations outline steps to be followed for managing many workplace hazards. Listed below are some of the hazards likely to be found in the hospitality industry. Further information on how to manage these hazards can be obtained from your Industry Association.

4.4.1. Electrical Safety

The electrical regulations aim to prevent injury caused by electricity. They cover electrical installations and equipment and the use of residual current devices (RCDs).

4.4.2. Emergency Procedures

All workplaces must allow safe and rapid evacuation in the event of an emergency. There should be emergency exits and staff should be trained in the procedures to follow in the event of an emergency. One or more people should be trained to oversee the evacuation and to use fire extinguishers. Portable fire extinguishers should be installed in accordance with Australian Standard 2444 - Portable fire extinguishers - Selection and Location.

4.4.3. Fire Prevention

To minimise the risk of accidental fire at a workplace:

- Waste materials must be removed on a regular basis.
- Flammable materials must be handled in a way that minimises the fire risk.
- Warning signs must be displayed where there are materials that could burn with extraordinary speed or cause an explosion.

4.4.4. Manual handling

The manual handling regulations aim to prevent injuries arising from manual handling and require employers to identify, assess and control manual handling hazards. The *Approved Code of Practice for Manual Handling* gives practical guidance on how to do this.

4.4.5. Noise

The purpose of the noise regulations is to minimise people's exposure to harmful noise at work. Noise exposure standards must be complied with by designers, manufacturers, suppliers and importers of plant and by employers.



4.4.6. Plant (machinery and equipment)

Your staff work with a lot of equipment, some of it motorised such as mixers and washing machines and some of it hand tools or equipment. You have a duty to make sure this equipment is in good condition and suitable for the job being done.

You are required to undertake individual risk assessments for all powered plant that your staff uses and to have effective controls in place.

4.4.7. Hazardous Substances

Hazardous substances are chemicals and other substances that can affect workers' health. The hazardous substances regulations detail the duties of employers and suppliers regarding:

- Material Safety Data Sheets
- labelling
- risk assessment and control
- information and training
- health surveillance and record keeping.

4.5. Managing incidents and injuries

The Regulations also provide information on what to do when all the control measures fail, or if something unexpected happens.

4.5.1. First Aid

Employers must provide first aid facilities for their employees. This includes the provision of first aid kits and one or more staff with a current first aid certificate. If you have more than 50 employees you also have to provide a first aid room. There is an *Approved Code of Practice for Occupational Health and First Aid in the Workplace* that gives more details on your first aid requirements.

4.5.2. Investigating and Reporting Incidents and Injuries

Employers must investigate accidents and injuries and act to prevent similar future occurrences. If possible the HSR has to be notified of the accident if it affects a member of their work group. They are entitled to be involved in the investigation.

In addition there are certain serious workplace injuries and occurrences that you must report to Workplace Services (Department for Administrative and Information Services) immediately. The injuries include:

- any death
- any acute symptoms from exposure to a hazardous substance
- any injury requiring in-patient hospital treatment.

The occurrences include:

- any collapse of plant, construction or part of a building
- an uncontrolled explosion or fire and an electrical short circuit or fire.

Such incidents may need to be investigated immediately by an inspector from Workplace Services. A free information sheet *Notification of Work Related Injuries and Dangerous Occurrences* is available from WorkCover Corporation.

Employers also need to forward certain forms to their claims agents when an employee is claiming workers compensation for a work-related injury or illness, (see Rehabilitation and Return to Work below).



4.5.3. Keeping Records

Employers must keep records of all injuries that occur to employees.

These records must be kept for at least three years after the date of the injury.

Australian Standard 1885.1 – *Workplace injury and disease recording standard* is an approved Code of Practice under this Regulation.

4.6. Overlapping Responsibilities

When responsibilities under the Act or the Regulations overlap and more than one party has a duty, the parties will need to negotiate with each other about how best to achieve the requirement.

Remember that if an accident occurs, each person with a responsibility may be held liable to the extent that they had control over the situation.

4.7. Enforcement of OHS&W Legislation

The Act is enforced by inspectors from Workplace Services (Department for Administrative and Information Services), who have the authority to make sure that health and safety laws are obeyed. The inspectors visit workplaces to provide advice, to check that health and safety is being managed correctly and to investigate serious incidents.

Where inspectors find breaches of the legislation, they may issue an improvement notice; or in cases where there is an immediate risk to health and safety they may issue a prohibition notice forbidding any further work until the matter has been remedied.

Inspectors can also initiate prosecutions for breaches of the legislation, which may result in fines ranging from \$1,000 to \$100,000.

5. Workers Rehabilitation and Compensation Law

While it is every employer's duty to minimise the risk of an accident happening and the duty of all employees to work safely, it is still possible that somebody may be hurt as a result of a workplace injury. When this happens it is important that the worker is given every opportunity to return to their duties as soon as possible and that they do not lose out financially because of the accident.

The Workers Rehabilitation and Compensation Act 1986 is designed to provide guidance as to how you should manage both the claim and the injury so that your staff are not disadvantaged, and that they have an early and successful return to work.

5.1. Objects of the Act

The law has a number of objectives, including:

- the effective rehabilitation and early return to work of injured workers
- the fair compensation for employment related injuries
- preventing abuses of the system
- reducing the incidence of employment related injuries
- reducing litigation because of work related injuries.

5.2. Rehabilitation and Return to Work

Under this Act, all South Australian workers are covered for workers compensation if they need time off work or medical treatment because of a work related injury or illness. Employers have an obligation to assist in the rehabilitation and return to meaningful and productive work of injured or ill employees as soon as practicable.

WorkCover Corporation has licensed a selection of insurance agents to administer workers compensation claims. These claims agents deal directly with employers and employees in the day to day management of workers rehabilitation claims. Employers can refer to their claims agent for help with rehabilitation and return to work policies, programs and practices.

5.3. Compensation

In order to be entitled to receive compensation under this Act, the person must be one of your staff (or what are referred to as 'workers' in the Act). The person must have a disability as a result of their work with you that stopped them from working. This does not cover home injuries, or any received on the way to or from work. There are some gray areas in this and if in doubt your WorkCover Corporation Claims Agent will be able to clarify any issues.

5.4. Processing a Claim

To make a claim for compensation:

- Your employee must notify you within 24 hours by filling out a **Worker Report Form (green copy)** and handing it to you or their supervisor.

If there are no medical expenses or time off work you do not have to send anything to WorkCover Corporation at this stage but you must store the forms securely.

- If the work injury involves medical expenses or time off work, the employee has to fill out the **Claim for Compensation (pink copy)** and hand it to you. They have up to six months from when they were injured to do this but the form has to be accompanied by a prescribed **Medical Certificate** issued by the medical provider.
- You then fill in the **Employer Report Form** and forward it to your WorkCover Corporation Claims Agent within five days along with the following forms:
 - the Notice of Work Related Injury Form
 - the Claim for Compensation Form
 - the Employer Report Form
 - any medical certificates and accounts.

Under Section 52(5) of the Workers Rehabilitation and Compensation Act, you may incur a penalty of up to \$1,000 if you fail to meet this requirement.

You should have forms available in the event of one of your employees making a claim. Forms are available from most post offices or by telephoning WorkCover Corporation or your claims agent.

5.4.1. Benefits

Your staff member will be entitled to the following benefits if their claim is accepted.

5.4.1.1 Weekly Payments

If your staff member cannot work because of the injury they are entitled to the same weekly payments they would have been getting if they were working. They are entitled to 100% of pre-injury average weekly earnings for the first 52 weeks. You are responsible for the first two weeks income.

After 12 months their income is reduced to 80% and if they still can't work after two years their payments will be reviewed and may be reduced even further.



Otherwise these payments will continue until the worker does one of these things:

- returns to work
- ceases to have a certificate from a recognised medical expert
- refuses an offer of suitable employment
- fails to participate in a rehabilitation program
- refuses or fails to submit to medical treatment (except for surgery or administration of a drug)
- fails to submit to a medical examination organised by the claims agent
- refuses to take reasonable steps to find suitable employment
- is dismissed from employment for serious and willful misconduct
- consents to the weekly payments being stopped.

'Average weekly earnings' (AWE) is the amount your staff member worker would have earned for a week's work if they had not been disabled. This is easy for full time staff but you may have some difficulty with part time or casual staff. You will be asked to look at the average weekly earnings for that staff member or a similar one over the previous twelve months to help determine this.

If your staff member was working somewhere else as well, the total earnings from all employment will be used to calculate their average weekly earnings.

Overtime will not be included unless it was a regular and established pattern over a period of time that would have been continuing if the person had not been injured.

5.4.1.2 Reasonable Medical / Hospital Expenses

Costs for medical services will be met for services required as a result of the work-related disability. Treatment must be administered by a medical expert or under the direct supervision or control of a medical expert who must be registered with the relevant board of their profession.

5.4.1.3 Other Benefits

The worker may be entitled to other benefits including:

- reimbursement of any costs for travel for the purpose of receiving medical services, hospitalisation, or rehabilitation
- costs of accommodation where the person has to be away from home for medical treatment
- medicines prescribed by a medical expert for the purpose of effectively treating the work injury, support bandages, heat packs etc
- compensation for funeral expenses in the case of the death of a worker
- reimbursement for damages to therapeutic appliances, clothes, personal effects or tools of trade as a result of the accident
- a lump sum payable for permanent disability. This is separate to all other payments and will be determined by the Claims Agent and WorkCover Corporation.

5.4.1.4 Rehabilitation Programs

WorkCover Corporation (through its agents) will establish or approve a rehabilitation program to help your employee achieve the best physical and mental recovery, and to return to the workforce.

6. Further Information and Advice

Your first contact for more information is **your Industry Association**.

Further information can be gained from:

- WorkCover Corporation
- Workplace Services (DAIS).

