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What we'll cover

- Definition of a Worker
- Definition of a Work-Related Event and Injury
- Journey and Psychological injuries
- Working overseas
- What is covered under a claim
- Field Trip Scenarios

Who is a Worker

*As defined by the Workers' Compensation and
Rehabilitation Act 2003*

Who is a Worker

Under Section 11 of the Workers' Compensation and Rehabilitation Act 2003

A *worker* is a person who –

(a) Works under a contract; and

(b) In relation to the work, is an employee for the purpose of assessment for PAYG withholding under the *Taxation Administration Act 1953 (Cwlth)*, *schedule 1, part 2-5*

Section 11 of the Act also states that only an individual can be a worker for this Act

Meaning of Work Related Event and Injury

*As defined by the Workers' Compensation and
Rehabilitation Act 2003*

Meaning of Work Related Event and Injury

Meaning of Event

Under Section 31 of the Workers' Compensation and Rehabilitation Act 2003

- (1) An event is anything that results in injury, including a latent onset injury, to a worker.
- (2) An event includes continuous or repeated exposure to substantially the same conditions that results in an injury to a worker.
- (3) A worker may sustain 1 or multiple injuries as a result of an event whether the injury happens or injuries happen immediately or over a period.
- (4) If multiple injuries result from an event, they are taken to have happened in 1 event.

Meaning of Injury

Under Section 32 of the Workers' Compensation and Rehabilitation Act 2003

- (1) An *injury* is personal injury arising out of, or in the course of, employment if –
 - (a) for an injury other than a psychiatric or psychological disorder—the employment is a significant contributing factor to the injury; or
 - (b) for a psychiatric or psychological disorder—the employment is **the major** significant contributing factor to the injury

Other Circumstances

*As defined by the Workers' Compensation and
Rehabilitation Act 2003*

Other Circumstances where injuries can occur

- On a ordinary recess break
- On a journey between the worker's home and place of employment
- Whilst travelling for employment purposes

Working Overseas

*As defined by the Workers' Compensation and
Rehabilitation Act 2003*

Working Overseas

Under section 115(3) a workers principal place of employment is:

1. The country where the worker usually works; or
2. If no usual country, the country of the employer's principal place of business

- Attending a conference
- Field trips
- Contract of work less than six months

Greater than six months overseas, not covered under WorkCover Queensland Scheme

Exclusions

*As defined by the Workers' Compensation and
Rehabilitation Act 2003*

Exclusions

- Voluntarily subjecting yourself to an abnormal risk of injury
- Intentionally self inflicted injury
- Serious and wilful misconduct

Entitlements and Benefits

*As defined by the Workers' Compensation and
Rehabilitation Act 2003*

Entitlements and Benefits

Weekly compensation payments

- Calculated based on the normal weekly earnings over the 12 month period prior to injury

Benefits

- Reasonable medical and rehabilitation costs for the work-related injury

Scenarios

A Casual staff member is engaged to attend a field trip, paid for 5 hours a week, however are on the field trip for longer than usual

If away for a month and the contract of employment expires whilst away

If casuals received one set payment for the whole trip

A Staff member performs an activity against advice of the field trip leader or without following policy and procedures with regards to the specific activity and sustain an injury

A staff member is on a field trip, however are on leave as they work in shifts e.g. two weeks on, one week off, and in their off week they might join onto another trip and sustain an injury performing a task familiar to them or in a different area

If water conditions prevent diving and the field trip leader decides to snorkel instead and an injury was sustained

Field trip leader authorises a fun dive or snorkel, or a hike/bush walk.

Are you a Worker?

- Review employment contract
- Engaged in a PAYG contract
- Reasonable Activity
- Level of inducement and encouragement to participate in activity
- Employer funded
- Specific details surrounding the event details

May not be a Worker

- No employment contract
- Not-engaged in a PAYG contract
- Putting self at risk of harm through activity
- Recreational activity
- Self funded
- Specific details surrounding the event details

Questions