

Information for employers and workers



JobKeeper and workers compensation payments

Purpose

To provide information on the relationship between workers' compensation entitlements and the new JobKeeper payments, as outlined in the Coronavirus Economic Response Package (Payments and Benefits) Rules 2020 ("the Rules") made under the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020* (Cth).

Summary

Recently, WorkSafe made changes to its policy about the inclusion of JobKeeper payments in an injured worker's current weekly earnings, for the purposes of calculating compensation payments.

WorkSafe's revised position is that any JobKeeper payments being received by injured workers should not be considered part of their current weekly earnings as defined by the WorkCover legislation.

This position applies to injured workers who have returned to work or have been stood down and are receiving JobKeeper due to Covid-19, but are also receiving weekly compensation payments.

If an eligible employee is still working for an eligible employer, e.g. reduced hours/full hours, modified/alternative duties, then they may be eligible to receive the JobKeeper payment. Such a payment is not considered to be current weekly earnings (CWE) within the meaning of section 152 of the WIRC Act for the purposes of calculating a worker's top-up workers compensation payments.

Recommended action

Employers and workers, particularly those currently receiving workers compensation entitlements, should read the attached JobKeeper Entitlements Summary Page, then contact their Agent for more information.

Attachment 1 – JobKeeper Entitlements Summary Table

Where a worker remains employed by an eligible employer under the JobKeeper scheme:

Scenario	Entitlement to JobKeeper payment during extended payment period	Entitlement to weekly compensation	Entitlements for workers whose weekly payments have ceased (terminated) and they have not gained employment or returned to work
1 – Worker is back at work on reduced hours with eligible employer	Yes	Yes, If worker's compensation rate is more than their current weekly earnings the worker may receive a top up payment from WorkCover scheme.	Entitlement to JobKeeper payment if worker remains eligible
2 – Worker is back on full hours (with restrictions on duties) with eligible employer	Yes	If worker's compensation rate is more than their current weekly earnings the worker may receive a top up payment from WorkCover scheme	Entitlement to JobKeeper payment if worker remains eligible
3 – Worker is stood down after 1 March 2020 and has not returned to work	Yes	If worker's compensation rate is more than their current weekly earnings the worker may receive a top up payment from WorkCover scheme	Entitlement to JobKeeper payment if worker remains eligible
4 – Worker is totally incapacitated and has not returned to work	No	Worker may be entitled to weekly compensation.	Worker may be entitled to other assistance, such as JobSeeker.

Where a worker is not employed by an eligible employer under the JobKeeper scheme:

Scenario	Entitlement to JobKeeper payment during extended payment period	Entitlement to weekly compensation	Entitlements for workers who's weekly payments have ceased (terminated) and they have not gained employment or returned to work
1 – Worker is incapacitated and has not returned to work	No	Worker is entitled to their compensation rate.	Worker will not be entitled to JobKeeper, but may be entitled to other assistance such as JobSeeker