

WPRR Entitlement FAQ

Annual Leave

Section 50(7) of the Return to Work Act, 2014 allows for suspension of income support payments when a worker applies for and takes annual leave. The period of annual leave taken must be voluntarily applied for by the worker. If leave is applied for, and then not taken, payments cannot be suspended. EML must be notified in advance of the period of annual leave being taken, as retrospective suspensions are not able to be made.

If a period of annual leave has not been suspended, due to the mobile claims specialist or claims specialist not being notified in advance, annual leave payments must be excluded from earnings when calculating a top-up pay. It is therefore recommended that you speak with your mobile claims specialist or claims specialist prior to approving annual leave.

Annual leave is the only type of leave where income support payments can be suspended.

Compulsory Business shut downs

Where a business enforces a compulsory shutdown, such as the Christmas period, an employee is not considered to have voluntarily applied for and taken annual leave. This means that income support payments cannot be suspended under s50(7) for these situations. Income support payments must be paid and claimed as per normal during these periods.

Long Service Leave

Section 50(1) of the RTW Act allows a worker to receive income support regardless of being in receipt of long service leave entitlements. Therefore, a worker has an entitlement to both income support and long service leave payments at the same time. Reimbursement to an employer can only be made for the income support component.

We also recommend that you speak with your mobile claims specialist or claims specialist prior to approving any long service leave request.

Sick/Personal Leave

Sick or personal leave is not considered to be part of 'other leave' as detailed in section 37(b)(i). This means that for the purposes of calculating a worker's weekly top-up payment, sick leave payments need to be included as earnings. Therefore, an injured worker cannot receive both sick leave and income support for the same period.

Public Holidays

Public holidays are also considered to be excluded from 'other leave' as per s37(b)(i). This means that an injured worker who has returned to work and would have normally worked on a public holiday should have this money included as earnings for the purposes of calculating a top-up payment.

For injured workers who haven't returned to work, income support payments should continue to be paid normally.

Salary Sacrifice

For the purposes of calculating a top-up entitlement to weekly payments, any payments paid to a worker as salary sacrifice must be included as earnings.

Leave without pay

The top-up calculation of how leave without pay will be determined is dependent on the individual circumstances. For this reason, we recommend that you speak with our mobile claims specialist or claims specialist upon receiving an application for leave without pay.

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Voluntary Discontinuances

Section 48(2)(a) enables an injured worker to request their income support payments are voluntarily discontinued. An example where they may request this, could be to care for an ill family member for a period. A voluntary discontinuance must be at the injured workers request, and they cannot be influenced to consent to a discontinuance under this section.

Travelling or Residing Outside the State

If an injured worker is residing outside the State, or absent from the State for more than 2 months in any continuous 12 month period, Section 48(2)(g) allows income support payments to be discontinued.

If you are aware or become aware of this, we recommend that you discuss this situation with your mobile claims specialist or claims specialist.