



# VARIANCES IN EMPLOYMENT CIRCUMSTANCES

## THE WORKER HAS BEEN EMPLOYED LESS THAN 52 WEEKS

Wage history information is required by EML from the date of employment up until the injury date.

**For example:**

For an injured worker who has been employed for a period of 40 weeks the wage history information for that **40 week** period would be provided to EML.

## THE WORKER HAS BEEN EMPLOYED LESS THAN FOUR WEEKS

Where there is not enough wage history to accurately reflect the injured worker's earnings, employers can provide to EML:

- any contract of employment (in writing or implied) in place before the date of injury
- any Award or Enterprise Bargaining Agreement for the worker
- comparable wages information a worker who has a similar or same role, expected earnings, expected amount of overtime and pay rate for the same or similar **12 month** period of employment of the injured worker.

**For example:**

An injured worker sustained an injury only four weeks after commencing work.

During this time no overtime was worked, however it was expected that the injured worker would, over a period of 12 months, have worked a substantial amount of overtime.

Using only the four weeks of wage history would not accurately reflect the injured worker's earnings over the course of the year.

In this instance the wages information of a worker who has a similar or same role, expected earnings, expected amount of overtime and pay rate for the same or similar **12 month** period of employment of the injured worker, may be used to determine average weekly earnings (AWE).

Using comparable earnings provides a more accurate assessment of the injured worker's gross earnings. This will in turn reflect a more accurate AWE.

## FINANCIAL IMPACTS TO A WORKER'S JOB IN THE 52 WEEK PERIOD BEFORE THE INJURY

Examples of when this can occur include:

- there is a promotion or demotion
- change from part-time to full-time.

When sending the wage history information to EML please include information such contract of employment or job descriptions related to the change.

EML will assess this information and determine the adjustment to the relevant period and when this will occur. In general, the rule is the period prior to the change is excluded from the relevant earnings period.

## THE INJURED WORKER IS AN APPRENTICE

The information regarding the apprenticeship, the course they are completing, and current level of apprenticeship are required to be sent to EML.

You will also need to keep track of when the injured worker's level of apprenticeship (e.g., first year to second year apprentice) changes, including any award changes so that you can update EML, and they can review the AWE amount for any increases.

## EXTENDED PERIODS OF UNPAID LEAVE IN THE 52 WEEKS BEFORE INJURY

The details of any periods of seven or more consecutive days of unpaid leave.

EML will review this information and exclude the appropriate leave periods from the relevant period and determine when relevant period starts.

## THE INJURED WORKER HAS CONCURRENT EMPLOYMENT

In relation to AWE concurrent employment means that the injured worker was employed by more than one employer at the time of the injury. In these instances, the AWE will be calculated for each employer and added together.

The primary employer (the employer where the injury occurred) is still required to provide wage history information to EML so that the AWE can be calculated.

EML will also follow up wage history from the secondary employer as well and calculate this AWE as well.

These amounts will then be added together.

It is important that you let EML know at the time of injury notification if you are aware that the injured worker has secondary employment.