

July 2023



## Your work injury insurance

### Return to Work scheme

Providing insurance that protects  
South Australian businesses and their  
workers in the event of a work injury.

Return to **work.**  
Return to **life.**



# Our services support recovery and return to work

**Maximising recovery and return to work outcomes are at the heart of everything we do. What you can expect from us and our claims agents when a work injury occurs:**



## Phone reporting for new claims

Our phone reporting service offers a quick and easy way to make a claim. Simply call your claims agent. Phone **EML on 1800 688 825**. Phone **Gallagher Bassett on 1800 774 177**. If you don't know who your claims agent is, use the *claims agent lookup* service on **[www.rtwsa.com](http://www.rtwsa.com)**.



## Quick claims processing

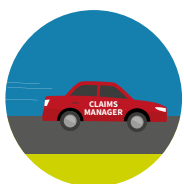
Claims that don't need intensive case management support may be handled over the phone to speed up decisions, payment and reimbursements.

Mobile claims managers providing intensive support will make on the spot decisions wherever possible to arrange fast access to recovery and return to work services.



## Personalised and early assistance

Our claims agents will provide fast, customised support to both the person injured and employer to help with recovery and return to work.



## Face-to-face support

Mobile claims managers will provide on-site support where intensive support is needed. The mobile claims manager will continue to meet with both parties to find out if the treatment is working, review work capacity and work options, and identify barriers or opportunities for recovery and returning to work.

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# Introduction

ReturnToWorkSA provides work injury insurance and regulates the South Australian Return to Work scheme.

The *Return to Work Act 2014* established a scheme that supports workers who suffer injuries at work and provides early intervention in respect of work injury claims to ensure that action is taken to support workers to:

- realise the health benefits of work
- recover from injury
- remain at, or return to work, following an injury (including after retraining, if required)
- participate in the community when return to work is not possible.

Through the Return to Work scheme we:

- ensure that workers who suffer injuries at work receive high-quality services, are treated with dignity and are supported financially
- ensure that employers' costs are contained within reasonable limits so that the impact of work injuries on South Australian businesses is minimised
- provide a reasonable balance between the interests of workers and the interests of employers
- reduce the overall social and economic cost of work injuries to the State and to the community
- support activities that are aimed at reducing the incidence of work injuries
- reduce disputes by improving the quality of decision-making.

## Our insurance role

We provide work injury insurance that protects South Australian businesses and their workers in the event of a work injury.

Like many other insurance products, each year employers pay an insurance premium for work injury protection which helps to fund the Return to Work scheme.

In the event of a work injury, you and your worker will be covered by the Return to Work scheme for essential support and services to minimise disruption to your business and to help your worker to recover and stay at work or return to work as soon as possible.



The features and benefits of your insurance include:

- cover for income support for your worker's loss of wages during a period of up to 104 weeks from the first day they are incapacitated for work (or to retirement age if they are seriously injured)
- cover for reasonable and necessary medical treatment and care for your injured worker for up to one year after income support ends (or lifetime if they are seriously injured)
- cover for return to work services to assist your worker to get back to work as soon as possible
- cover for a worker's entitlement to lump sum payment(s) for economic and/or non-economic loss
- cover against any common law proceedings if brought against you by your worker
- premium incentives for keeping claims costs down by helping workers return to work after an injury.

Our services and those delivered by our claims agents, EML and Gallagher Bassett are designed to provide early intervention support to workers and employers to ensure people can recover and return to work as quickly as possible.

## Our regulatory role

ReturnToWorkSA regulates the Return to Work scheme to make sure that:

- workers and employers receive appropriate, timely and effective services in the event a worker suffers a work injury
- all parties subject to the *Return to Work Act 2014* (the Act) meet their rights and obligations.

Our regulation program covers a range of scheme regulatory requirements and is designed to protect the integrity and fairness of the Scheme. This includes:

- worksite inspections and audits
- industry-specific education programs
- evaluations of self-insured employers
- additional payments, fines and/or interest and penalties
- investigations, supplementary payments and prosecutions.

This booklet will help you to understand your work injury insurance as an employer in South Australia, including your rights and obligations.

For more information on work injury insurance, your rights and obligations visit [www.rtwsa.com](http://www.rtwsa.com) or contact us on **13 18 55**.

# Your rights and responsibilities as an employer

If you operate a business in South Australia that employs workers, it's likely you will need to register with ReturnToWorkSA for work injury insurance.

You must register for work injury insurance cover within 14 days of employing someone who meets the definition of a worker under the Act.

**Note:** Reference to a worker includes family members who may be employed by a business.

You can register for cover online at [www.rtwsa.com](http://www.rtwsa.com) or by calling us on **13 18 55** to complete your registration over the phone.

A worker (for work injury insurance purposes) is a person by whom work is done under a contract of service (as defined by the Act). Refer to Appendix 1 for more information.

Employers whose workers have suffered a work injury can expect ReturnToWorkSA and our claims agents to:

- provide early intervention support regarding recovery and return to work services to the worker and them
- act fairly and reasonably at all times
- provide support in managing claims and the provision of services available to your worker.

An employer has the right to apply for a review of decisions relating to their insurance premium, a supplementary payment, penalty, or fine, or a work injury claim(s).

As an employer registered with ReturnToWorkSA, your responsibilities include:

- Providing all remuneration information by completing your employer remuneration return by 15 September every year and paying the insurance premium by the due dates.
- Notifying ReturnToWorkSA within 30 days of any amendment to your registration details (e.g. change of address, contact person, locations, trading name, main business activity).
- Appointing and retaining a Return to Work Coordinator in the workplace if you employ 30 or more workers for a continuous period of three or more months and ensuring your Return to Work Coordinator has completed a training course approved by ReturnToWorkSA.
- Notifying ReturnToWorkSA within 14 days to cancel your registration if you cease to employ workers.

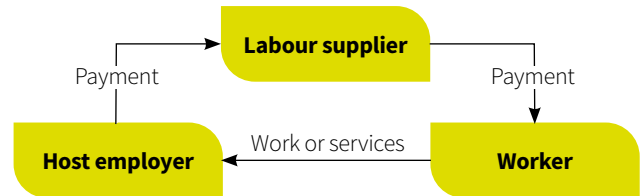
In the event of a work injury, your responsibilities also include:

- Calling your claims agent or ReturnToWorkSA on **13 18 55** as soon as possible to report a work injury.
- Providing information requested by your claims agent in order to assess or determine a work injury claim.
- Supporting workers in their recovery and return to work following a work injury.
- Supporting your Return to Work Coordinator to perform their functions.
- Providing suitable duties and/or employment to a worker who is unable to return to their pre-injury duties due to a work injury.
- Providing 28 days notice of the proposed termination of an injured worker's employment
- Supporting activities aimed at reducing the incidence of work injuries.

For more information on your rights and responsibilities refer to the *Return to Work Act 2014* and *Return to Work Regulations 2015* available at [www.rtwsa.com](http://www.rtwsa.com).

## Businesses using labour hire/supply

A labour hire or labour supply arrangement is one where a labour hire business or agency provides labour/workers to a client (the 'host employer') but the labour hire business (labour hire supplier) is the ultimate employer and responsible for the worker's remuneration.



The labour hire or labour supply business pays the individual worker/s and is responsible for work injury insurance. As the host employer you should:

- check to ensure the labour supply business is registered with ReturnToWorkSA
- include details of payments made to them within your employer remuneration return.

If you use labour hire or contract labour, you must undertake due diligence on these businesses to ensure they are adequately registered for work injury insurance. If you do not, you could find yourselves liable for the underpaid premiums and hefty fines.

An online *employer lookup* feature is available via [www.rtwsa.com](http://www.rtwsa.com) to check if the business you have engaged is registered with ReturnToWorkSA.

The information you provide assists us to identify labour supply businesses that are not registered and not paying a premium.

**Note:** We only require details of labour supply businesses, not contractors you may engage to undertake other services.

## Employer registration exemptions

There are only two categories of employers that are exempt from the requirement to register with ReturnToWorkSA:

1. If the employer employs one or more worker(s) under a contract of service or contracts of service; and
  - the worker(s) are not employed for the purposes of a trade or business carried out by the employer; and
  - the total remuneration payable by the employer to the worker(s) in the 2023-24 financial year does not exceed \$14,920 (indexed).
2. If the employer employs one or more worker(s) under a contract of service or contracts of service for the purposes of a trade or business carried out by the employer; and
  - the total remuneration payable by the employer to the workers in the 2023-24 financial year does not exceed \$14,920 (indexed).

However, if a worker suffers an injury arising from that employment, the employer is obligated to register from the date of the injury to the end date of the financial year in which the injury occurred and pay our minimum premium (see page 8).

For more information on exemptions call us on **13 18 55**.

# How does the insurance premium system work?

The insurance premium system applies to all registered employers regardless of their size.

To calculate your work injury insurance premium, ReturnToWorkSA uses a number of factors including:

- Industry premium rate – each employer is assigned an industry classification based on their predominant business activity.
- Remuneration – the total amount of payments you make to or for the benefit of your workers (refer to the *Remuneration guide* available on our website).
- Base premium (BP) – determined by multiplying your remuneration by the relevant industry premium rate (where an employer has more than one location the calculations for each location are totalled).
- Any income support costs of claims associated with time lost injuries paid in the previous financial year only, for an injury within the preceding three financial years.

The premium for newly registered employers is calculated based on the estimated remuneration you provide as part of your registration.

Thereafter, your premium is calculated at the start of each financial year, using the information you provide in your employer remuneration return.

When you complete your employer remuneration return you can choose to have your premium calculated using the actual remuneration paid or payable to workers from the previous financial year, or the estimated remuneration that will be payable to workers for the year ahead.

**Note:** It is important to advise us of any changes to your registration details within 30 days, and in particular, any changes to your business activity as this may lead to a premium reassessment.

## The premium calculation formula

The premium calculation formula is:

$$\text{Premium} = \text{BP} \times (1 - \text{D}) + \text{C} - \text{A} + \text{SUR} + \text{GST} + \text{WHS}$$

<b>BP</b>	= Base premium
<b>D</b>	= Discount factor (see Table 1)
<b>C</b>	= Cost of claims subject to a maximum 3xDxBP (see Table 2)
<b>A</b>	= Apprentice incentive
<b>SUR</b>	= Supplementary underwriting rate, to allow adjustment of premium
<b>GST</b>	= Goods and services tax
<b>WHS</b>	= Workplace health and safety fee

ReturnToWorkSA uses an industry-based classification system, the South Australian Industry Classification (SAIC), to assign an appropriate classification for each employer location based on the employer's predominant business activity.

Each industry classification has an industry premium rate expressed as a percentage generally based on the claims experience of the industry.

The industry premium rates are set each year by ReturnToWorkSA and are published in the South Australian Government Gazette.

A discount is applied to an employer's base premium up front, relative to the size of the employer (see Table 1). An employer with no time lost claims will pay the discounted premium amount.

ReturnToWorkSA can apply additional increases or decreases under the supplementary underwriting rate (SUR) to reflect an employer's claims experience and risk over time.

**Table 1: Discount factors for the insurance premium system**

Base premium (BP)	Discount factor (D)
\$0 to \$9,999	0.05 (5%)
\$10,000 to \$49,999	0.10 (10%)
\$50,000 to \$99,999	0.15 (15%)
\$100,000 to \$499,999	0.20 (20%)
\$500,000 to \$999,999	0.25 (25%)
\$1,000,000 +	0.30 (30%)

The discount is applied to base premium.

An employer with time lost claims will have the income support costs of those claims added to their discounted premium, capped at a maximum of three times the discount applied. The costs of claims will only include income support paid in the premium calculation excluding:

- costs associated with the first two (2) weeks of incapacity where you (the employer) have met your responsibilities under the Act to forward a work injury claim to your claims agent within five (5) days
- claims for unrepresentative injuries
- successfully prosecuted fraud claims.

**Note:** Weekly payment reimbursement request forms (WPRR) should be received by ReturnToWorkSA within three months from the date of the income support payments to the injured worker. The payments may not be recoverable by the employer if the request is received outside this timeframe.



**Table 2: Cost of claims applied to insurance premium calculations**

2023-24 premium year	2024-25 premium year	2025-26 premium year
Income support cost paid in 2022-23	Income support cost paid in 2023-24	Income support cost paid in 2024-25
For claims with a date of injury in:	For claims with a date of injury in:	For claims with a date of injury in:
2022-23	2023-24	2024-25
2021-22	2022-23	2023-24
2020-21	2021-22	2022-23

The same income support costs will not be used for premium calculation in more than one year.

**Example 1  
(employer with no time lost claims and no apprentices)**

Remuneration (R) = \$450,000

Industry premium rate (IPR) = 2%

**Base premium (BP) = \$450,000 x 2% = \$9,000**

**Discount factor (D)** is 0.05 (5%)

Discount amount is \$9,000 x 0.05 = **\$450**

Discounted premium is \$9,000 - \$450 = \$8,550

**Premium payable is \$8,550 + GST + WHS**

**Example 2  
(same employer with cost of claims totalling \$2,500 and no apprentices)**

Remuneration (R) = \$450,000

Industry premium rate (IPR) = 2%

**Base premium (BP) = \$450,000 x 2% = \$9,000**

**Discount factor (D)** is 0.05 (5%)

Discount amount is \$9,000 x 0.05 = **\$450**

Discounted premium is \$9,000 - \$450 = \$8,550

Cost of claims of \$2,500 is then added to the discounted premium subject to a maximum = 3 x D x BP

Maximum cost of claims is 3 x 0.05 x \$9,000 = \$1,350

In this example, premium is capped by the maximum cost of claims, the cost of claims increase has been reduced by \$1,150

Premium is \$8,550 + \$1,350 = \$9,900

**Premium payable is capped at \$9,900 + GST + WHS**

**Example 3 (different employer with cost of claims totalling \$5,000 and no apprentices)**

Remuneration (R) = \$1,000,000

Industry premium rate (IPR) = 6%

**Base premium (BP) = \$1,000,000 x 6% = \$60,000**

**Discount factor (D)** is 0.15 (15%)

Discount amount is \$60,000 x 0.15 = \$9,000

Discounted premium is \$60,000 - \$9,000 = \$51,000

Cost of claims of \$5,000 are then added to the discounted premium subject to a maximum = 3 x D x BP

Maximum cost of claims is 3 x 0.15 x \$60,000 = \$27,000

In this example, the cost of claims is under the maximum cost of claims so the whole \$5,000 of costs is added to the discounted premium.

Premium is \$51,000 + \$5,000 = \$56,000

**Premium payable is \$56,000 + GST + WHS**

For more information on how the insurance premium system works visit [www.rtwsa.com](http://www.rtwsa.com).

## How can I reduce my insurance premium?

Your claims experience has a big impact on the insurance premium you pay. You can directly influence the amount of insurance premium you pay by implementing safety practices to prevent injuries from happening, and if they do, assisting the injured worker to stay at work and recover or return to work as soon as possible by providing suitable duties. This helps to minimise the income support costs for a work injury claim.

Our team of experienced risk management consultants can assist high risk workplaces with practical and personalised services to improve their health, safety and injury management performance.

Our employer education advisors provide free tailored advice on improving your recovery and return to work practices. Contact us on **13 18 55** or email [coordinators@rtwsa.com](mailto:coordinators@rtwsa.com).

### Employer claim summary reports

Employer claim summary reports are sent quarterly to all employers with claims providing details of claims and the associated costs to enable time-lost claims to be monitored.

### Minimum premium

While all registered employers are required to pay an annual insurance premium, many sole traders and small businesses will only have to pay a minimum premium for 2023-24 of \$200, subject to any rounding (plus GST and WHS fee).

### Transfer of business

If a business changes hands, the claims history from the old employer will be transferred to the new employer for calculation of the insurance premium.

Newly registered employers who began employing workers after 1 July 2022 and are not subject to a transfer of business will pay the base premium (plus GST and the WHS fee). A full financial year's claims history is required before being included in the Return to Work Premium System.

## What is a Retro-Paid Loss arrangement?

An optional premium calculation method is available for large employers (employers that pay greater than \$300,000 base premium or greater than \$500,000 for a group of employers each year) on an application basis.

Under a Retro-Paid Loss (RPL) arrangement, an employer's insurance premium more closely reflects their individual claims experience for claims with a date of injury in the premium period (financial year). The premium is adjusted each year to reflect the claim development over a four year period.

Email [retropaidloss@rtwsa.com](mailto:retropaidloss@rtwsa.com) for further information about the Retro-Paid Loss arrangement.

## What if I disagree with an insurance premium decision made by ReturnToWorkSA?

If you consider that a decision made by us in relation to your premium is unreasonable, you have the right to apply for a review of that decision. Such decisions may include:

- your classification to a particular class of industry (SAIC)
- the assessing (or fixing) of a premium
- the imposition of penalty interest or a fine
- a premium adjustment i.e. you believe we have acted unreasonably in the calculation of your insurance premium
- an estimate of remuneration by ReturnToWorkSA that is to be used for the calculation of premium.

An application for review that relates to an individual employer must be made within two months of the employer being notified of the decision. If the decision relates to a class of employer, an application for an independent review must be made within four months of the employer being given notice of the decision.

Before applying for a review, you should first contact us on **13 18 55** to discuss the matter.





# How can I pay my insurance premium?

## When do I have to make my insurance premium payment?

Due dates for paying your insurance premium will be detailed on your tax invoice or adjustment note.

### Payment of premium

Employers who pay less than \$1,000 in premium each year are required to pay their premium in one annual payment, in advance. Employers who pay more than \$1,000 in premium each year are eligible to pay in 9 equal instalments or one annual payment to suit your business needs.

Employers may pay their premium in monthly instalments by the seventh day of each month from October to June. Instalment amounts will be detailed on the tax invoice. We recommend payment via direct debit to ensure your instalments are paid on time.

### Payment of premium adjustments

All premium adjustment payments are required in full by the due date specified on the adjustment notice.



## What are my payment options?

### Direct debit

Direct debit is a low cost, easy and convenient way to pay your monthly instalments, allowing you to have your payments debited on the seventh day of each month from October to June from a nominated bank account.

To setup direct debit, login to online services at [www.rtwsa.com](http://www.rtwsa.com) or call us on **13 18 55** with your nominated bank account details.

### Credit card payment

You can pay by credit card (Visa and MasterCard only), either at [www.rtwsa.com](http://www.rtwsa.com) or contact us on **13 18 55**.

You are required to login to make a premium payment by credit card.

### BPAY

Phone or visit the website of your participating financial institution to make a payment, as set out in your tax invoice, from your nominated cheque or savings account. Please quote Biller Code **9951** and the eight-digit employer registration number as the reference number found on your tax invoice. Please note that payments can take 24 – 48 hours to reach us from your financial institution.

### Payment in person

Employers may present their premium payment together with their tax invoice at ReturnToWorkSA, 400 King William Street Adelaide, during business hours, or send a cheque payable to ReturnToWorkSA, GPO Box 2668, Adelaide 5001.

## What happens if I don't pay my insurance premium?

Should an employer consistently fail to pay their instalments on time, we may vary their payment frequency from instalments to a single lump sum payment in advance.

## What do I do if I am unable to make a payment?

If you are experiencing difficulty in making a premium payment by the due date, please phone us as soon as possible on **13 18 55** to discuss the matter. We will consider the circumstances and discuss available options with you.

# Completing your employer remuneration return

## How do I complete my employer remuneration return?

You are required to complete an employer remuneration return by 15 September each year, which sets out the actual amount of remuneration paid to your workers during the previous financial year.

Each year you can choose whether your premium is calculated based on actual or estimated remuneration.

If you choose to have your premium calculated using actual remuneration:

- you will only need to provide the actual remuneration you paid your workers in the previous financial year
- you will not need to provide estimated remuneration for the upcoming financial year, reducing the amount of information you need to provide and giving you more time to get on with running your business
- ReturnToWorkSA will not adjust your premium at the end of the financial year – providing you with certainty of your insurance costs.

If you choose to have your premium calculated using estimated remuneration

- you will need to provide the actual remuneration you paid your workers in the previous financial year AND the estimated remuneration for the upcoming financial year
- ReturnToWorkSA will adjust your premium at the end of the financial year when your actual remuneration is known – you will receive an additional bill or a refund.



## What information do I need to include in my employer remuneration return?

When completing your employer remuneration return you are required to provide the name/s of the labour hire businesses you have used, their ABN and the total contract amount paid to each business during the previous financial year. If you do not use any labour hire businesses, select 'No' for this question.

The information you provide assists us in targeting those labour hire businesses that are not doing the right thing.

Note: we only require details of labour hire businesses, not contractors you may engage to undertake other services.

Any remuneration (e.g. salaries, wages, superannuation etc. but excluding director's fees) paid to company directors must be included for premium calculation purposes and should be declared in any employer remuneration return provided to ReturnToWorkSA.

It's not just wages or salary and superannuation contributions that you need to include in your employer remuneration return. Remuneration is any payment made to or for the benefit of a worker. To calculate the remuneration paid or payable to your workers, refer to the *Remuneration guide* available at [www.rtwsa.com](http://www.rtwsa.com) to find out all the things you must consider when submitting your employer remuneration return.

There are incentives available for employers who employ eligible apprentices. For more information on the apprentice incentive, refer to Appendix 2 in this booklet.

You can quickly and easily lodge your employer remuneration return online via our website at [www.rtwsa.com](http://www.rtwsa.com).

If you don't have online access, you can submit your employer remuneration return by phone, post, fax, email or in person. This must be completed by 15 September each year.

## What happens if I don't lodge my remuneration return by 15 September?

If your employer remuneration return for each location is not lodged with us by 15 September, we will specify an estimate of remuneration. Your premium will be calculated based on that specified estimate and a tax invoice will be issued for payment.

## Newly registered employers

Newly registered employers are required to provide us with an estimate of total remuneration that they expect to pay their workers during the financial year on their *Application for registration as an employer*. We will then calculate the premium payable and issue a tax invoice specifying when that amount needs to be paid. This will be adjusted at the end of the year when actual remuneration is known.

## How do I know how much I have to pay?

On completion of your employer remuneration return online, you will be required to download your tax invoice, the premium calculation notice which provides details of how your premium was calculated, and for employers whose premium is adjusted by their claims experience, a premium claims summary report.

# Updating your registration details

## How can I obtain my certificate of registration?

A certificate of registration provides evidence that you have registered with ReturnToWorkSA as required by the Act in South Australia. The certificate contains the employer's name, trading name and ReturnToWorkSA employer number, and is valid until 30 June of the financial year in which the certificate is issued. A copy of your certificate can be obtained via our online services at [www.rtwsa.com](http://www.rtwsa.com) at any time.

ReturnToWorkSA does not issue a certificate of currency.



## Why is it important to keep my registration details updated?

ReturnToWorkSA has an ongoing compliance program conducting periodic audits of employer records to verify accuracy regarding registration, classification, actual and estimated remuneration and insurance premium calculations.

It is important that your records are up to date, accurate and readily available. Penalties apply for incorrectly declared remuneration, omissions and underpayment of insurance premium identified during an audit. To avoid penalties, errors or omissions should be disclosed as soon as an employer becomes aware of them.

For further information about the premium audit process and your obligations visit [www.rtwsa.com/premium-audits](http://www.rtwsa.com/premium-audits), contact us on **13 18 55** or email [premiumcompliance@rtwsa.com](mailto:premiumcompliance@rtwsa.com).



## How can I update my registration details?

You can update your registration details through online services at [www.rtwsa.com](http://www.rtwsa.com) including:

- setting up direct debit
- choosing to receive premium refunds via EFT
- resetting your password
- adding new locations or cancelling existing locations
- updating location details (address, contact details)
- providing notice of ceasing to be an employer required to be registered (e.g. business sold)
- updating certain registration details (trading name, phone numbers, postal address, added/changed directors or partners)
- notifying of a change to your business activity, which may need reclassification.

You can also phone us on **13 18 55** to update your registration details.

**Note: If you are an employer registered with ReturnToWorkSA and you cease to employ workers, you need to contact us within 14 days to cancel your registration.**

## How do I register for a ReturnToWorkSA online services account?

If you don't already have an online services account go to [www.rtwsa.com](http://www.rtwsa.com), click the online services 'Login' button, then on the login screen click 'Register here' and follow the prompts to complete your registration.

## Do I need to provide return to work coordinator details?

The Return to Work Coordinator role provides support to injured workers and workplaces following injury. They work in collaboration with the worker, medical team and claims manager to ensure a safe and sustainable return to work. They have legal functions and must play an active role in managing work injury. They must be based in South Australia, and are required to undertake mandatory training with a ReturnToWorkSA approved provider.

You only need to appoint and provide the details for a Return to Work Coordinator if your business has employed 30 or more staff for any continuous period of 3 or more months. You can do this by providing their name and contact details as part of your online registration, or by contacting ReturnToWorkSA's Employer Education team on **08 8238 5958** or [coordinators@rtwsa.com](mailto:coordinators@rtwsa.com).

If the total number of workers you employ in a year exceeds 30, ReturnToWorkSA may contact you in relation to the potential appointment of a Return to Work Coordinator.

For more details about the requirement to appoint a return to work coordinator and what you need to do, refer to **Return to Work Coordinators: Guidelines for Employers** at [www.rtwsa.com](http://www.rtwsa.com).

# Work injury claims management

ReturnToWorkSA has two claims agents that manage work injury claims on our behalf. They are EML and Gallagher Bassett.

Your claims agent is responsible for the management of your worker's claim. They will appoint a claims manager to a work injury claim and they will be your first point of call if you have a question about the work injury claim(s).

Your claims manager will work with you (including your Return to Work Coordinator if you are required to have one), your worker, the treating doctor and any other return to work service provider to coordinate your worker's recovery and return to work. They will provide fast, personalised support to help them recover from their injury and get back to work as soon as possible.

Your claims manager will provide timely and on the spot decisions and approvals for the engagement of other specialist support services your worker may need, including:

- medical and allied health services
- job analysis and worksite modifications
- job preparation and 'fit for work' services
- vocational guidance and assessment
- retraining either on-the-job or away from work
- job placement services to help the worker find new employment if they are unable to return to work with their pre-injury employer.

If your claims manager identifies significant assistance is needed, they will arrange to meet face-to-face and help you and your worker develop and implement a return to work plan. They will continue to meet face-to-face with you and your worker throughout the duration of the work injury claim.

It is important that you and your worker maintain regular contact with your claims manager.

## Can I change my claims agent?

In the interest of keeping your premium as low as possible, we have one service model where both agents are paid according to how well they deliver this service. With this in mind, it is preferable to minimise the movement of employers and claims between claims agents within the Scheme.

The ReturnToWorkSA service standards outline the service you can expect to receive from us and our claims agents. These standards encourage positive, service focused relationships between us, our claims agents, workers with an injury and employers.

With the same service model being provided by both claims agents, change of employers between claims agents may only be facilitated when:

- an employer's size or nature of business changes as a result of the purchasing, merging or takeover of another business
- an employer who is grouped and holds policies with both claims agents wants to consolidate their registrations to one agent
- there has been a significant service failure, in which case ReturnToWorkSA expects employers to work with their existing claims agent to remedy the services before considering a request to change claims agent.

To report an injury or make a claim, call your claims agent as soon as you can. You are not required to complete a form.

Phone EML on **1800 688 825**

Phone Gallagher Bassett on **1800 774 177**

If you don't know who your claims agent is, visit the *claims agent lookup* service available at **[www.rtwsa.com](http://www.rtwsa.com)**.

Employers who make a claim within five business days of being notified by their employee that they want to lodge a claim may be eligible for a waiver of the employer excess. The employer excess is the first consecutive two weeks of the income support paid during the worker's incapacity.



# Employer supports and services

Employers play a crucial role in the recovery and return to work of injured workers. ReturnToWorkSA is committed to ensuring that employers have access to a range of free supports and services to help them understand the process, improve outcomes and create a healthy workplace.

Employers and Return to Work Coordinators can access:

- face to face and online workshops on a range of topics
- pre-recorded webinars
- Return to Work Matters website subscription
- tools and resources that can be used in return to work and to create a healthy workplace
- workplace visits (face to face and online)
- helpline.

## Employer support and advice helpline

ReturnToWorkSA's Employer Education Service provides free advice, guidance and best practice support to all employers and Return to Work Coordinators. Seeking advice and being proactive in return to work can help you reduce your premium and minimise the impact of injuries on your business.

The Employer Education Service can help with:

- advice about the employer's role in the recovery and return to work process
- information on obligations to provide suitable employment and appoint a Return to Work Coordinator
- support following work injury notification and how to make a claim
- maximising the impact of the Return to Work Coordinator role in the workplace
- advice on overcoming barriers in recovery and return to work
- supports and services available to help you, and to help your worker make a return to work
- small business support
- preparing your workplace to manage work injuries
- leadership team education programs.

To access the free Employer Education Service call **08 8238 5958** or email **coordinators@rtwsa.com**.

## Mentally healthy workplaces support and advice helpline

ReturnToWorkSA's Mentally Healthy Workplace Service provides free advice, guidance and best practice support on creating a mentally healthy workplace. A mentally healthy workplace helps to increase productivity and reduce absenteeism and work injury claims.

The Mentally Healthy Workplace Service can help with:

- advice about prevention of psychological injury and mental ill health at work
- strategies to support mental ill health and free community services
- benefits of a mentally healthy workplace and building a business case

- small business support
- implementing and using an Employee Assistance Program
- leadership team education programs.

To access the free Mentally Healthy Workplace Service call **08 8233 2310** or email **mentallyhealthy@rtwsa.com**.

## Re-employment incentive scheme for employers (RISE)

The re-employment incentive scheme for employers (RISE) program provides incentives for employers to help people who have been injured at work return to meaningful and ongoing employment if they are unable to return to their pre-injury employer.

Businesses that employ a person with a work injury through the RISE program will receive a range of financial benefits and support.

For more information on the RISE program please speak with your claims manager.

## SafeWork SA

### SafeWork SA work health and safety advisors

SafeWork SA's work health and safety advisors can visit your workplace to help you understand your work health and safety responsibilities as well as provide practical support to improve your systems, practices and general approach to safety. WHS advisors have no inspector powers so businesses can be comfortable asking for help.

SafeWork SA specialises in all industries and will tailor advice to suit the individual needs of each workplace.

### SafeWork SA's Customer Service Centre

SafeWork SA's Customer Service Call Centre provides employers and the public with free guidance and advice relating to a wide range of Work Health and Safety enquiries.

### SafeWork SA's Library Service

SafeWork SA's Library Service has an extensive work health and safety collection that can be accessed by employers and the South Australian public. The free catalogue can be viewed online and includes publications, standards, posters and podcasts.

To access these services visit **safework.sa.gov.au** or call **1300 365 255**.

## Healthy Workplaces Service

The Healthy Workplaces Service provides free information and support to all South Australian businesses to build healthy, safe and thriving workplaces. This includes access to a Healthy Workplaces Advisor who can help you to develop a health and wellbeing program or address specific health and wellbeing issues.

The Healthy Workplaces Service is joint initiative of Wellbeing SA, Department for Industry, Innovation and Science, ReturnToWorkSA, SafeWork SA and Office of the Commissioner for Public Sector Employment.

To access the Healthy Workplaces Service call **08 8413 8299** or visit **healthyworkplaces.sa.gov.au/service**.

# Service standards and complaints

## Our service standards

ReturnToWorkSA and our claims agents are required to deliver on the 11 service standards set out in the *Return to Work Act 2014*.

Our 11 service standards cover:

- recovery and return to work
- early and timely assistance
- maintaining relationships
- recovery and return to work obligations
- personalised service
- clarity and transparency
- help to make a claim
- effective communication
- respecting privacy
- continuous improvement
- your right to be supported.

These standards encourage positive relationships between ReturnToWorkSA, our claims agents, workers and employers and acknowledge that we all need to work together to achieve the best outcomes, especially by adopting early intervention and return to work support when someone is injured at work.

Providers engaged by us and our claims agents also need to meet these service standards. Contact the relevant provider for information on how they will meet these service standards.

We'd like to know if you've received the level of service we strive to deliver. Please call us on **13 18 55**, email [info@rtwsa.com](mailto:info@rtwsa.com) or visit [www.rtwsa.com](http://www.rtwsa.com) to complete an online feedback form.

## What to do if you are concerned that a standard has not been met

If you believe our service standards have not been met, you can raise the issue directly with the person or agency that your complaint refers to.

If the complaint refers to:

- our claims agents – contact the agent directly
- ReturnToWorkSA – contact our Complaints Team at [complaints@rtwsa.com](mailto:complaints@rtwsa.com) or **13 18 55**
- provider of a service – contact the provider.

Refer to page 16 for contact details.

## What to expect when a complaint is lodged

The agency that receives the complaint will:

- work with you to address and resolve the problem
- provide a response **within 10 business days** after receiving the complaint
- advise you of the steps taken to address the issue and what to do if you want to lodge a complaint with the Ombudsman (see page 16) if you are not satisfied with the resolution of the matter
- if the matter requires extended investigation, **within 10 business days** an interim response will be provided and you will be advised when a final response will be provided.

## What to expect if a service standard has been breached

If a service standard has been breached, you may receive one or more of the following:

- a written or verbal apology, or an explanation in writing
- the opportunity to discuss your views on the services in person so that a resolution can be reached
- information either in writing or verbally about the status of the claim and entitlements, review rights under the *Return to Work Act 2014*, what services are available and any timeframes that apply in relation to a dispute
- if you have made a work injury claim, we will provide a copy of your file if you request it, in line with section 180 of the *Return to Work Act 2014*, or the *Freedom of Information Act 1991*
- to be able to give feedback on any response given and have questions answered and requests responded to in an appropriate way
- any other reasonable steps to remedy the matter.

For more information on our service standards and the complaints process visit [www.rtwsa.com](http://www.rtwsa.com) or call us on **13 18 55** or email [complaints@rtwsa.com](mailto:complaints@rtwsa.com).

If you are not satisfied with how a complaint has been handled, you have the right to refer the matter to the State Ombudsman for investigation.

## Ombudsman SA

Phone: 08 8226 8699 / 1800 182 150 (outside metropolitan area only)

Website: [www.ombudsman.sa.gov.au](http://www.ombudsman.sa.gov.au)

Email: [ombudsman@ombudsman.sa.gov.au](mailto:ombudsman@ombudsman.sa.gov.au)

Address: Level 8, 95 Grenfell Street, Adelaide SA 5000



# Reviewable decisions

Employers and workers have the right to apply for a review of certain decisions relating to a work injury claim and insurance premiums.

## Work injury claim decisions

A review of a decision relating to a worker's work injury claim is undertaken by the South Australian Employment Tribunal.

The following work injury claim decisions are reviewable:

- an interim decision regarding whether a worker will be taken to be a seriously injured worker
- a decision about the nature or scope of recovery/return to work services provided, or to be provided, for a worker
- a decision regarding an assessment of a worker's permanent impairment
- a decision relating to a work injury claim, for example:
  - acceptance or rejection of a claim for compensation
  - average weekly earnings
  - the provision of medical and like services or incurred costs
  - to approve, or not approve, the costs of surgery or any other medical treatment
  - to reduce, discontinue or suspend weekly payments.

For more information on reviewable decisions by the South Australian Employment Tribunal please visit [www.saet.sa.gov.au](http://www.saet.sa.gov.au). You can also visit [www.rtwsa.com](http://www.rtwsa.com) or download the *Return To Work Act 2014*.

# Useful contacts

## ReturnToWorkSA

Phone: 13 18 55

Website: [www.rtwsa.com](http://www.rtwsa.com)

Email: [info@rtwsa.com](mailto:info@rtwsa.com)

Address: 400 King William Street, Adelaide SA 5000 Australia

Postal address: GPO Box 2668, Adelaide SA 5001 Australia

If you are deaf or have a hearing or speech impairment you can call ReturnToWorkSA on **13 18 55** through the National Relay Service (NRS) [www.relayservice.gov.au](http://www.relayservice.gov.au).

For languages other than English call the Interpreting and Translating Centre on **1800 280 203** and ask for an interpreter to call ReturnToWorkSA on **13 18 55**.

## ReturnToWorkSA claims agents

### EML

Phone: 08 8127 1100 / Toll free: 1300 365 105

Website: [www.eml.com.au](http://www.eml.com.au)

Address: Level 15, 26 Flinders Street, Adelaide SA 5000

Postal address: GPO Box 2575, Adelaide SA 5001

### Gallagher Bassett

Phone: 08 8177 8450 / 1800 664 079

Website: [www.gallagherbassett.com.au](http://www.gallagherbassett.com.au)

Address: Level 3, 115 Grenfell Street, Adelaide SA 5000

Postal address: GPO Box 1772, Adelaide SA 5000





# Appendix 1: Definition of a worker

## Who is a worker?

A worker (for workers compensation purposes) is a person by whom work is done under a contract of service (as defined by the *Return to Work Act 2014*).

Contract of service normally represents a relationship formed between an employer and employee. For workers compensation purposes, it has a much broader application that 'deems' some independent contractors and other persons to be workers when they meet particular criteria. This occurs across certain classes of work including:

- building work (other than wall or floor tiling)
- cleaning work
- driving a taxi-cab or similar motor vehicle
- driving or riding a vehicle (other than a commercial motor vehicle)
- performing as an entertainer
- performing work as an outworker where that work is governed by an award or industrial agreement that applies to 'outworkers'
- thoroughbred riding work performed by a licensed jockey.

## Important notes

1. Whether a person is employed ongoing, or for a short period, e.g. for as little as one hour on a given day or on a casual basis, an obligation exists for the employer to include remuneration paid to any such worker(s) for the calculation of their premium payable.
2. Where a principal contracts with another person (the contractor) for the performance by the contractor of work undertaken by the principal and the contractor is not registered as an employer under the Act, the principal is deemed to be the employer of worker(s) employed by the contractor.

**A principal should ensure that a contractor employing a worker(s) is, at all times when performing work for the principal, registered as an employer with ReturnToWorkSA.**



## Employees of body corporate (working director)

### 'Working director'

If you are a proprietary limited company, your employees who receive salaries, wages, superannuation or other benefits are workers and are covered for ReturnToWorkSA insurance purposes in the event of an accepted claim.

Payments that are:

1. made to a director of a company;
2. expensed as salaries, wages or superannuation; and
3. made in exchange for work performed by the director under a contract of service between the director and the company,

are likely to be classified as remuneration even if there are no other employees of the company. Such directors are workers and are covered for ReturnToWorkSA insurance purposes in the event of an accepted claim.

Payments made to company directors in exchange for work performed in their capacity as director (for example, attending board meetings or providing adhoc consultancy advice) are likely to be characterised as director's fees. Director's fees are not classified as remuneration for the purposes of the *Return to Work Act 2014* (the Act) and directors who receive only director's fees are unlikely to be extended cover under the Act.

Any remuneration (e.g. salaries, wages, superannuation etc. but excluding director's fees) paid to working directors must continue to be included for premium calculation purposes and should be declared in any employer remuneration return provided to ReturnToWorkSA.

### 'Working directors' consulting to own firm

It is also possible that a 'company director' consulting to their own firm and earning consultant fees may be considered a worker if this arrangement is consistent with a 'contract of service'.

### Important: Workers and directors

Each situation needs to be examined on a case-by-case basis.

If you have any questions about directors' fees and/or remuneration, please call us on **13 18 55**.

# Appendix 2: Apprentices

## How does the apprentice incentive amount work?

The remuneration paid to eligible apprentices multiplied by the industry premium rate for the location that the apprentice is employed is deducted from the calculation of their employers' premium payable to assist skills creation in South Australia, by encouraging employers to take on apprentices.

In terms of the apprentice incentive, an apprentice is defined as:

- an apprentice who is or will be trained under an approved training contract in an occupation declared to be a 'trade' under section 6 of the *South Australian Skills Act 2008* (or former Act); or

This incentive is available to all employers including self-insured employers registered with ReturnToWorkSA who employ an eligible person.

An employer is still required to complete an employer remuneration return, which allows an employer to provide details about the apprentice(s) they employ for the purpose of obtaining the apprentice incentive. An employer is required to provide the return by 15 September for each location.

**Note:** The exclusion of remuneration paid to apprentices does not impact upon an employer's obligation to register with ReturnToWorkSA as an employer and pay an annual insurance premium to ReturnToWorkSA. The premium payable is not less than the minimum premium for a particular financial year. Where an employer only employs an apprentice and no other workers, the premium payable is the minimum premium for a financial year.

## What documentation is required?

Payments of remuneration are excluded in the calculation of total remuneration paid by an employer, as long as an employer:

1. lodges, after the end of a financial year, an employer remuneration return which details separately remuneration paid to apprentices or for group training organisations only, trainees during a relevant financial year; and
2. maintains information in writing, in respect of that financial year, verifying there exists a training contract entered into under the *South Australian Skills Act 2008* (or former Act), between the employer and:
  - a. the apprentice who is or will be trained under an approved training contract in an occupation declared to be a 'trade' under section 6 of the *South Australian Skills Act 2008* (or former Act); or
  - b. for group training organisations only, the trainee who is or will be trained under an approved training contract in an occupation which is a declared 'vocation' under section 6 of the *South Australian Skills Act 2008* (or former Act).



## Does the remuneration declared for the apprentice incentive amount include the employer superannuation contributions paid for eligible apprentices?

Yes. The employer superannuation contributions for apprentices are to be included in the declared remuneration, but only for those apprentices engaged under an approved training contract under the *South Australian Skills Act 2008* (or former Act).

Remuneration is defined as payments made to or for the benefit of a worker (including an apprentice or trainee). Payments made to or for the benefit of a worker are not just wages or salary. Benefits to workers include items such as superannuation contributions being any payment including a premium or lump sum paid to a superannuation fund or retirement annuity plan for the benefit of a worker, and includes employer contributions under the relevant Superannuation Guarantee legislation.

## Is an incentive available for remuneration paid to trainees?

**For group training organisations only** – an incentive applies for remuneration paid to a trainee who is or will be trained under an approved training contract in an occupation which is a declared 'vocation' under section 6 of the *South Australian Skills Act 2008* (or former Act).

No incentive applies for employers that are not group training organisations.

For further assistance regarding the apprentice incentive amount, please email [premium@rtwsa.com](mailto:premium@rtwsa.com) or call us on **13 18 55**.



**ReturnToWorkSA**

**[www.rtwsa.com](http://www.rtwsa.com)**

**Phone: 13 18 55**

**[info@rtwsa.com](mailto:info@rtwsa.com)**

400 King William St, Adelaide  
South Australia 5000

If you are deaf or have a hearing or speech impairment you can call ReturnToWorkSA on 13 18 55 through the National Relay Service (NRS) **[www.relayservice.gov.au](http://www.relayservice.gov.au)**.

For languages other than English call the Interpreting and Translating Centre on **1800 280 203** and ask for an interpreter to call ReturnToWorkSA on **13 18 55**.

For braille, audio or e-text of the information in this brochure call **13 18 55**.

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