

I have a second job – what does this mean for my workers compensation claim?

If you are injured at work and you have more than one job, your workers compensation weekly payments for lost income should also include any income from your second job or any other paid jobs you may have.

The Compensation Claim Form which you are required to complete when you have sustained a work injury asks if you have any “other employment”. You should make sure you provide the details of your second job at this part of the claim form.

Return to Work SA (previously “WorkCover”) has contracts with two companies; Gallagher Bassett and Employers Mutual Limited who administer the workers compensation scheme in South Australia. If you lodge a workers compensation claim, your claim will be handled by one of these two companies, also known as “claims agents”, unless you are employed by a “self-insured employer” who manage

their own claims.

If you lose time from work due to a work injury, the claims agent will calculate your “average weekly earnings” and your weekly payments for lost income will be based on this “average weekly earnings” figure. Your average weekly earnings will generally be calculated by way of a straightforward average of the income you earned in the 12 months prior to suffering the injury, **including from any second jobs**.

If you have not been employed in one or other of your jobs for a full 12 months, the claims agent can use a “comparator” employee to calculate your average weekly earnings. A comparator is another employee who has been employed for 12 months or longer and who works the same or similar job and does similar hours. They will use a comparator because the law requires them to have reference to 12 month’s wages when calculating average weekly earnings.

What happens in my second job if I return to work but on restricted duties?

When you suffer a work injury which causes a partial incapacity for work, the employer in whose employment the injury arose, is required to provide you with “suitable employment”.

A second employer does not have an obligation to provide suitable employment to you, if the injury did not occur in that employment.

However, sometimes a second employer will offer work if the injury you have suffered does not affect your ability to do that job. For example, people who suffer psychological injuries as a result of bullying or harassment might be perfectly able to work in their second job as it does not involve exposure to the people who bullied or harassed them. If you have two jobs, you should discuss this question with your doctor, so that he or she can provide information on the medical certificates about your ability to continue working the second job.

If your second employer does not provide you with suitable employment, then the first employer (in whose employment the injury arose) may be required to offer you sufficient work to enable you to earn an amount equivalent to your “average weekly earnings”.

You should discuss any issues relating to suitable employment with a first and/or second employer or with your rehabilitation consultant or claims manager.

If you have any questions about the way the claims agent has calculated your average weekly earnings, or the provision of suitable employment while you are partially unfit for work, or any matter relating to a workers compensation claim, Please get in touch directly with today’s blog writer or any of the Andersons workers compensation team.

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The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.