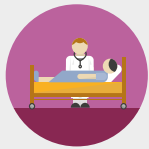


Changes to the Return to Work scheme

Significant reforms to the *Return to Work Act 2014* (the Act) passed South Australian Parliament on 6 July 2022 in the *Return to Work (Scheme Sustainability) Amendment Act 2022* that ensure the Return to Work scheme is financially sustainable in the long term, and that it can continue to support South Australians who are injured at work.

The changes embed the principles for the combination of impairments set out in the *Summerfield* decision, while finding cost savings in other areas of the Return to Work scheme to help keep the average premium rate below 2.00%.



Injured workers needing surgery after their income support has ended

If an injured worker requires surgery after their income support has ended, they are entitled to up to thirteen weeks of supplementary income support payments.



Impairment Assessment Guidelines

For any assessments booked after 1 August 2022 the First Edition Impairment Assessment Guidelines will apply. The Second Edition of the Impairment Assessment Guidelines was revoked on 1 August 2022. If the Second Edition applied to a worker's injury prior to 1 August 2022, it will continue to apply for workers who selected their assessor prior to 1 August 2022. The Government has committed to consulting broadly on the development of a Third Edition of the Impairment Assessment Guidelines. The Government intends to commence work on this shortly.



Seriously injured workers can elect to receive lump sum payments

Workers who have been seriously injured on or after 1 July 2015 can elect to receive a single lump sum payment for economic loss in lieu of ongoing weekly payments until retirement age, giving injured workers more options and the freedom to make the best decision for their own health, quality of life and future wellbeing.



Seriously injury threshold for physical injuries increases from 30% to 35% whole person impairment

Allowing for the combination of injuries, the increase in the seriously injured threshold for physical injuries better reflects an appropriate level of impairment beyond which a worker is entitled to income support until retirement age and medical expenses for life.

1 Aug
2022

17 Oct
2022

1 Jan
2023



Combination of injuries

The principles for the combination of impairments set out in the *Summerfield* decision embedded.

Frequently asked questions

Injured workers who may be affected by these changes will be contacted by ReturnToWorkSA or their claims agent with more information about their benefits and options.

When does the serious injury threshold for physical injuries increase from 30% to 35% whole person impairment?

The serious injury threshold for physical injuries changes on 1 January 2023.

The new serious injury threshold of 35% will only apply to workers who have not had a final examination for the purposes of a whole person impairment assessment before 1 January 2023.

Workers who are seriously injured or have an interim serious injury decision before 1 January 2023 will continue to be regarded as seriously injured or interim seriously injured workers.

Does the serious injury threshold for psychiatric injuries change?

No. The serious injury threshold for psychiatric injuries remains at 30% whole person impairment.

I am currently a seriously injured worker, can I elect to receive a lump sum payment in lieu of weekly payments?

From 17 October 2022, if you were seriously injured on or after 1 July 2015 you can elect to receive a single lump sum payment for economic loss in lieu of ongoing weekly payments until retirement age, giving you more options and the freedom to make the best decision for your own health, quality of life and future wellbeing.

However, there are some conditions:

- The amount you receive will be reduced by the weekly payments that you receive after 17 October 2022.
- You must first receive professional, financial and medical advice.
- If you have a whole person impairment of 50% or higher, you must receive the approval of the South Australian Employment Tribunal that the decision is in your best interest.
- You will not be entitled to weekly income support payments until retirement age for the same injury or injuries.
- You will not be entitled to compensation for recovery and return to work services for the same injury or injuries.

If I am classified as a seriously injured worker after 1 January 2023, can I elect to receive a lump sum payment in lieu of weekly payments?

Yes. If you are seriously injured from 1 January 2023 (35% or more whole person impairment for physical injury) you can elect to receive a single lump sum payment for economic loss in lieu of ongoing weekly payments until retirement age, giving you more options and the freedom to make the best decision for your own health, quality of life and future wellbeing.

However, there are some conditions:

- The amount will be reduced by the amount of weekly payments paid beyond your first 104 weeks.
- You must first receive professional, financial and medical advice.
- If you have a whole person impairment of 50% or higher, you must receive the approval of the South Australian Employment Tribunal that the decision is in your best interest.
- You will not be entitled to weekly income support payments until retirement age for the same injury or injuries.
- You will not be entitled to compensation for recovery and return to work services for the same injury or injuries.

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

Frequently asked questions (continued)

I am currently a seriously injured worker, will I still be classified as seriously injured after 1 January 2023?

Yes. Workers who are seriously injured or have an interim serious injury decision before 1 January 2023 will continue to be regarded as seriously injured or interim seriously injured workers.

The new serious injury threshold will only apply to workers who have not had a final examination for the purposes of a whole person impairment assessment before 1 January 2023.

I have been injured at work and am awaiting my impairment assessment. What happens if I can't get assessed until after 1 January 2023?

Please contact your claims manager for assistance in accessing an impairment assessment.

If you think that you may be affected by these changes and have further questions, please contact your claims manager.

I am an interim seriously injured worker. How will the changes affect me?

Existing interim seriously injured workers as at 1 January 2023 who have a whole person impairment assessment before 1 January 2024 will be subject to the 30% serious injury threshold.

Workers who have an interim serious injury decision after 1 January 2023 will be subject to the 35% serious injury threshold.

However:

- Existing interim seriously injured workers as at 1 January 2023 may be discontinued if they are no longer likely to meet the 35% serious injury threshold as at 1 January 2024.
- From 11 August 2022, interim seriously injured workers may be discontinued if due to a material improvement in their likely degree of whole person impairment, they are no longer likely to be seriously injured.

Please contact your claims manager for more information.

What happens if I am assessed as 30% to 34% whole person impairment after 1 January 2023?

From 1 January 2023, if you are assessed as 30% to 34% whole person impairment, you will not be considered seriously injured, however you will receive a commensurate increase in the economic loss lump sum payment.

You will also receive support and benefits to help you recover from your injury and return to work and life as soon as possible.

My income support has ended but I need time off work for surgery relating to my work injury. Will I receive income support during this time off work?

Yes. If you require surgery after your income support has ended, you are entitled to up to thirteen weeks of supplementary income support payments.

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