## icare workers insurance

# calculating pre-injury average weekly earnings

It is recommended the worker (or their representative):

- Complete this form, then forward one copy (with supporting documentation) to the scheme agent within 3 days of request (or sooner if possible).
- Provide another completed copy of this form to their employer for the provision of additional information and supporting documentation, who can then forward to the scheme agent as soon as possible.

If a worker has more than one employer (at the time of injury), separate form/s should be completed by the worker, with their other employer/s, and forwarded to the scheme agent by the worker.

This form has been developed to ensure all relevant earnings information is provided to the scheme agent where a worker has sustained incapacity as a result of their employment and has an entitlement to weekly payments. The information will assist the scheme agent to calculate the correct benefits payable in accordance with the provisions of the Workers Compensation Act 1987.

If a worker is entitled to weekly compensation because they can't do their pre-injury job as a result of a work related injury or illness, those weekly payments are calculated by reference to the worker's Pre-Injury Average Weekly Earnings (PIAWE).

PIAWE comprises of two main components – ordinary earnings, and overtime and shift allowances.

#### The main components of ordinary earnings include:

- Earnings for the ordinary hours of work (established by a Fair Work instrument or contract of employment) or the actual earnings of the worker;
- · Piece rates;
- · Commissions;
- The value of non-pecuniary benefits, non-cash amounts (e.g. the use of a motor vehicle, residential accommodation, health insurance or education fees). It could be the fringe benefit tax component, or if not applicable, then an amount that is reasonably attributable to that benefit; and
- · Any salary sacrificed amounts.

### The main components of overtime and shift allowances include:

- · Overtime amounts: and
- · Shift allowances.

Employer superannuation contributions are not included in the calculation of PIAWE.

## PIAWE is the average of the weekly earnings over the 52 week period immediately prior to the injury, with the following exceptions:

- If a worker has been employed for less than four weeks,
   PIAWE is calculated on the basis of the weekly earnings
   the worker could reasonably have expected to earn in that
   employment (if not for the injury) for the period of 52 weeks
   after the injury. In this case, discussion should be had with
   your scheme agent as to the nature of employment and
   your workplace in order to determine the information that
   should be provided.
- If a worker has been employed for 4 weeks or more but less than 52 weeks, PIAWE is calculated over the period of continuous employment in that role.

## icare workers insurance

# calculating pre-injury average weekly earnings

- If a worker was promoted to a new role within the 52
  weeks prior to injury, resulting in an increase in their
  earnings, PIAWE is calculated from the period of continuous
  employment since the promotion took effect.
- If a worker voluntarily changed their hours of work in the 52 weeks prior to injury, resulting in a reduction in their earnings, PIAWE is calculated over the period of continuous employment since the change in hours occurred.
- If immediately before the injury, the worker was not a
  full time worker, but at the time of injury was seeking full
  time employment AND in the previous 78 weeks had been
  predominantly a full time worker, PIAWE is calculated as
  the average weekly earnings with all employers over the 78
  week period prior to injury.
- If a worker had been promoted (and this is confirmed in writing) to a new permanent position, which had not yet commenced at the time of injury, PIAWE is calculated as the average weekly earnings the worker could reasonably expected to have earned if they had been in that promoted role for the 52 weeks prior to the injury.

The calculation of ordinary earnings over the relevant period takes into account any weeks that the worker was on paid leave but does NOT include any weeks that the worker was on unpaid leave. For casual or seasonal workers, weeks not worked are also excluded.

The calculation of the shift and overtime component does NOT include any weeks that the worker was on unpaid leave and weeks containing paid leave, except annual leave. For casual or seasonal workers, weeks not worked are also excluded.

For workers who had been employed by two or more employers at the time of injury, there are special ways of calculating PIAWE. This is set out in a table in schedule 3 of the *Workers Compensation Act* 1987.

#### Note:

- There is a prescribed maximum weekly payment of compensation which is adjusted from time to time. Please refer to the NSW Workers Compensation benefits Guide for the published rates.
- There is a prescribed minimum PIAWE of \$155 per week.
- The PIAWE calculation may be different to the wages declared for the purposes of premium calculation.

Workers can apply for an alteration or review of their weekly payments in accordance with section 42(1) of the Workers Compensation Act 1987. They can use this form to support their application.

Please state the reasons for the request for alteration of weekly payments (to be completed by worker).

Please ensure all sections are completed (place a line through sections which are not applicable). Missing information can result in payment delays and/or underpayments / overpayments to workers. The scheme agent can provide guidance if any questions are unclear.

If you are unsure about the answer to a question, please indicate so that the scheme agent can investigate it further.



## calculating pre-injury average weekly earnings

1. EMPLOYER DETAILS						
Employer name						
Claim number (if known)			Has the claim be	een made against this em	nployer?	
, ,			Yes	No		
2. WORKER DETAILS						
Worker name						
Date of Birth		Employed since		Date of injury (if	f known)	
/ /		/ /		/	/	
Has employment been con	tinuous since this t	ime?				
Yes No	Unsure					
If no, please provide reason	า					
Occupation						
Is the worker an apprentic	e / undergoing trair	ling or instruction to be	able to continue to c	arry out their duties?	Yes	No
If yes, in what year?	Year One	Year Two	Year Three	Year Four		
On what date do they progr	ess to the next year	?				
If undergoing training or in	struction, please pr	ovide details of training	/ instruction.			
Does a Fair Work instrumen						
(E.g. award, enterprise barg	aining agreement, e	employment contract etc	:.)	Yes	No	Unsure
If yes, what is the name of	the award/EBA /em	nployment contract / inc	lustrial instrument, i	f known?		
Please provide a copy of the	e award/EBA /empl	oyment contract / indus	trial instrument to t	he scheme agent.		

## calculating pre-injury average weekly earnings

3. RELEVAN	Γ PERIOD	)							
Employment ty		Full time	Pa	rt time	Casual	Self-empl	oyed	Contractor	Other
Worker's work	ing days	Week 1	Mon	Tue	Wed	Thur	Fri	Sat	Sun
		Week 2	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Has there beer	n any <b>per</b>	<b>manent</b> chang	e in workir	ng hours/rate o	of pay in the <b>52</b> v	weeks prior to	o the injury	(or relevant p	eriod)?
(This could inc	lude a pe	rmanent promo	otion or vol	luntary reduct	ion in working h	nours)		•	-
Yes	No	Unsur	2						
If yes, on what	date did	this <b>permane</b>	<b>nt</b> change	occur?					
/	/								
Please provide	reason fo	or this <b>perman</b>	<b>ent</b> change	е					
Please provide	the hourl	y rate received p	orior to the	change \$	N	umber of hours	per week pr	ior to the change	e hrs
Please provide	the hour	ly rate received	after the o	change \$	N	umber of hours	s per week a	fter the change	hrs
Was the worke		pe promoted or	commence	e a new positio	on on a permano	ent basis after	the date of	injury (and this I	nas been
Yes	No	Unsur	2						
If yes, on what	date is ti	he new <b>permar</b>	<b>ient</b> positi	on expected to	occur?				
Please provide	details of	f the new positi	on and am	ount expected	l to earn				
4. LEAVE									
In the <b>52 week</b>	s prior t	o the date of i	njury (or 1	relevant peri	od) was any lea	ve taken?			Yes No
If no, please ¡	proceed t	to section 5.							
If yes, please s	select from	n the following	: Pai	d annual leave	e Paid o	ther leave (eg.	sick, materi	nity leave)	Unpaid leave
Did the worker	take any	leave at half p	ay during t	the <b>52 weeks p</b>	orior to the inj	ury (or releva	nt period)?	•	
Yes	No	Unsure	2						
If yes was ans	wered to	any of the abov	e, please a	attach a summ	nary of date/s ar	ıd reason durir	ng the <b>52 we</b>	eks prior to the	e injury (or
relevant peri	od).								
5. OTHER DE	TAILS								
Did the worker	have any	y workers comp	ensation b	enefits paid d	uring the <b>52 we</b>	eks prior to tl	he injury (d	r relevant peri	od)?
Yes	No	Unsur	9						
Did the worker	have any	y weeks not wo	rked during	g the <b>52 week</b> s	s prior to the i	ıjury (or relev	ant period	1)?	
Yes	No	Unsur	9						
If yes was ans	wered to	any of the abov	e, please a	ittach a summ	nary of date/s ar	nd reason durir	ng the <b>52 we</b>	eks prior to the	e injury (or

relevant period).



## calculating pre-injury average weekly earnings

6. WAGE INF	ORMATION							
Are you paid:	Weekly	Fortnigh	ıtly	Monthly				
What were the	dates of your la	st pay cycle prio	r to your inju	ry?				
Start date of pa	ay cycle	End date of p	ay cycle					
/	/		/	/				
-	scheduled pay i		Yes		No	Unsure		
If yes, within t	he next 12 mont	hs, what month(	s) would you	receive your	increase?			
Jan	Feb	Ма	ır	Apr	Ма	у	Jun	
Jul	Aug	Sep	0	Oct	No	v	Dec	
Ordinary hours	worked each w	eek (or average o	of the ordinar	y hours work	ed per week) at ti	me of injury		hrs.
Are the ordinar	ry hours of work	agreed?	Yes	No	Unsure			
Ordinary gross	hourly rate at t	ime of injury \$		Ordinary	gross earnings p	er week at time	of injury \$	
Did you receive	any changes in	your working ho	ours, rate of p	ay in the <b>52</b> '	weeks prior to th	e injury (or re	elevant period)?	1
(This could incl	lude acting in hi	gher duties, ann	ualised rate (	change, incre	ase in apprentice	/trainee grade	etc.)	
Yes	No	Unsure						
	date did the ch							
/ /	/	arige occur.						
,								
Please provide	reason for this c	hange						
If yes, please p	rovide the hourl	y rate received p	rior to the ch	ıange	\$			
Number of hou	rs per week prio	r to the change				hrs		
Are any of the t	following paid or	n top of the ordin	iary gross eai	rnings? Prov	ide the value of th	e navments for	the 52 weeks pri	or to the dat
of injury (or rel		n top of the oran	ary gross car	Titiligs. Trov	ide the value of th	ie payments for	the 32 weeks priv	or to the dat
			Chift all a		<b>.</b>			
Overtime	\$		Shift allowa	nce	\$			
Commission	\$		Piece rates		\$			
If overtime wa	s paid during th	e <b>52 weeks prio</b> 1	r to the date	of injury (o	r relevant period	<b>d),</b> was this ove	ertime available u	ιp until the
date of injury?								
Yes	No	N/A						
If no, please pr	ovide details of	when overtime v	vas no longei	r available fo	r all workers			
Will the worker	r have been likel	y to have continı	ued to perfori	n shiftwork (	or overtime after t	the date of inju	ry?	
Yes	No	N/A						
Did the worker	receive any add	litional allowance	es during the	52 weeks p	rior to the date o	of injury (or re	levant period)?	
Yes	No	Unsure						
Please provide	copies of paysli	ps / payroll recor	ds for the <b>52</b> '	weeks prior	to the date of in	jury (or releva	<b>int period),</b> incli	uding a list o

all the allowances the worker received, outlining dates and amount/s (if applicable).



7. NON-PECUNIARY BENEFITS

## calculating pre-injury average weekly earnings

Does the wor	ker receive	any non-pecuniary	(non cash) benefits?	Yes	No	If no, c	ontinue to sect	ion 8.
Were any of t	he following	g non-pecuniary be	nefits received as pa	rt of the worker's p	pay? You m	ay provide	e either the tota	l Fringe Benefit
Value or the t	otal monet	ary value (if applic	able), in the <b>52 week</b>	s prior to the dat	e of injury	(or relev	ant period).	
Use of a	motor vehic	cle						
Date commer			Number of Weeks	Amount reasor	nably payab	le Fi	inge Benefit Val	ue (FBV)
/	/				,,,		o .	. ,
				\$		\$		
Resident	ial accomm	nodation						
Date commer	nced		Number of Weeks	Amount reasor	nably payab	le Fr	inge Benefit Val	ue (FBV)
/	/			\$		\$		
Health ir	nsurance							
Date commer	nced		Number of Weeks	Amount reasor	nably payab	le Fi	ringe Benefit Val	ue (FBV)
/	/			\$		\$		
Educatio	n fees							
Date commer	nced		Number of Weeks	Amount reasor	nably payab	le Fi	ringe Benefit Val	ue (FBV)
/	/			\$		\$		
_		easonably payable to receive this ber	in total for the numb efit post injury?	er of weeks receive	ed)			
Yes	No	Unsure						
Please indica	te what wil	l discontinue?						
8. SALARY	SACRIFICE							
Is any part of	the weekly	wage payment dir	ected to another par	ty (also known as s	salary sacri	fice)?	Y	es No
If no, contin	ue to secti	<b>on 9.</b> If yes, please	supply details:					
Туре				Amount reason	nably payab	ole Fr	inge Benefit Val	ue (FBV)
				\$		\$		
-		ringe Benefit under spect of a week)	the Commonwealth	Fringe Benefits Tax	: Assessment	t Act 1986,	or otherwise th	e amount
Has this amo	unt already	been included in t	he ordinary gross ear	nings per week? (I	Refer to sec	tion 5)		
Yes	No	Unsure						
9. OTHER E	ARNING D	ETAILS						
Does the wor	ker have ot	ner employment?		Yes	No		Unsure	
If no, contin								
If yes, how m	any other e	mployers does the	worker have?					

For all other employment, please give a "calculating pre-injury average weekly earnings' (PIAWE) form to each of your other employer/s

for completion.



10. SELF EMF	PLOYMENT				
Is the worker se	· ·	Yes	No		
If no, continue					
Is the worker a	sole trader?	Yes	No		
	working director ovide a copy of tax ret	Yes urn / group	No certificate / PAYG activ	vity statements (if applicable)	
11. PRIVACY	INFORMATION				
of investigating I understand th legislation in re	g, verifying, managing at this information wi lation to my claim for	and process II be used by	ing my claim for work	of the information provided in or with ters compensation.  o fulfill their functions under the worke	
12. DECLARAT	ION				
I declare that the	essed or omitted from	supplied in t this form to	his form and any attace the best of my knowle	chments to this form is true and correctedge. Tring a claim is punishable by law and t	
Relationship to	the injured worker (if	not the inju	red worker):		
Signature					
Telephone:					
Email					
Date					
/	/				
Who completed	the information?				
Worker/Wo	orkers' representative	only	Employer only	Both worker and employer	
All relevant	t sections completed				
All leave re	cords attached				
Copy of aw	ard/EBA / employment	t contract / i	industrial instrument	supplied	
Additional	PIAWE forms complete	ed for secon	dary employment/s		
Copy of pay	yslips / payroll records	, including a	list of all allowances	received (if applicable)	

Tax return / PAYG / group certificate provided (if applicable)



#### OFFICE USE ONLY

- 1. If the worker is an apprentice or required to undergo training/instruction/examination to continue working or less than 21 years of age, ensure PIAWE is recalculated when the worker would be scheduled to receive their annual pay increase. Refer to Schedule 3, Workers Compensation Act 1987.
- 2. The period of continuous employment immediately before the injury occurs is referred to as the relevant period. If the relevant period is:
  - Equal to 4 weeks or more, refer to \$44D, Workers Compensation Act 1987.
  - If the relevant period is less than 4 weeks, refer to s44C(2), Workers Compensation Act 1987.
  - If the worker was not a full time worker and was seeking full time employment at the time of injury and had predominantly been working full time, refer to s44C(3).
  - If a worker has been advised they will be promoted or appointed to a new position that attracts a higher ordinary earnings, but this promotion has not yet occurred, refer to Schedule 3 item 9, *Workers Compensation Act* 1987.

Annualised EBA increases – are not considered a promotion, therefore the need to calculate the relevant period from the time of the EBA increase should not be undertaken. Wages are however averaged over the whole relevant period.

Permanent changes to working hours – the relevant period commences from the time the ordinary hours were changed (consider appointment to a different position, or return to work part time after maternity leave).

For a reduction in working hours/nature of work performed, any alterations must be voluntary. Refer to \$44D, Workers Compensation Act 1987.

- 3. When calculating ordinary earnings, all paid leave is included when calculating the relevant period. Refer to \$44C(1)(a), Workers Compensation Act 1987.
  - When calculating shift and overtime, paid annual leave is the only paid leave included when calculating the relevant period. Refer to \$44C(6), Workers Compensation Act 1987.
  - If any type of "excluded" leave is taken in a given week, that whole week (and those earnings) should be excluded from the relevant period. Refer to \$44C(1), Workers Compensation Act 1987.
  - Leave taken at half pay for periods during the relevant period is excluded from the relevant period.
- 4. Ordinary hours of work are either the hours agreed or outlined in a Fair Work instrument, or in any other case the worker's average weekly hours during the relevant period, refer to s44H, Workers Compensation Act 1987.
- 5. Some allowances are excluded from the PIAWE calculation, unless they form part of the workers' base rate of pay or are considered a shift allowance or overtime amount, refer to \$44G(1) and \$44C(1)(b), Workers Compensation Act 1987.
  - Shift allowances associated with the timing of shifts may be called different things e.g. shift loadings, weekend penalty rates, shift penalty rates.
- 6. Fringe Benefits Tax is payable on the non-pecuniary benefit, except for some residential accommodation or if the worker is working for a non-profit organisation.
  - If the worker retains the benefit post injury, the fringe benefit value or monetary value (if applicable) is included in the PIAWE calculation and then deducted as "D" from the weekly payment algorithm. If the benefit is not retained post injury, the fringe benefit value or monetary value (if applicable) is included in the PIAWE calculation, but "D" would be zero in the weekly payment algorithm.
- 7. Salary sacrificed amounts the employer is required to apply or deal with on behalf of the worker in accordance with the worker's instructions, s44F(2) applies and the non-pecuniary benefit is the monetary value of the amount sacrificed from the worker's remuneration, expressed as a weekly sum (providing it is not a base rate of pay exclusion).
- 8. Self employment care should be taken when considering wage details. Examine the worker's tax return/group certificate/PAYG activity statements when considering this information. Sole traders are not covered for workers compensation.
- 9. For all other employment a separate PIAWE form must be completed. Refer to Schedule 3, Workers Compensation Act 1987.
- 10. Any future pay increases identified in section 6 will need to be confirmed and current ordinary earnings compared with the indexed PIAWE on 1 April and 1 October each year.