

# Accident Make Up Pay



***An employee who receives workers' compensation payments in the form of weekly benefits may be entitled to receive Accident Make Up Pay.***

Accident Make Up Pay covers the shortfall between workers' compensation payments and the amount the employee would have received if they had performed their normal duties for up to 26 weeks.

Clause 46 of the *Victorian Catholic Education Multi Enterprise Agreement 2013* (VCEMEA) sets out the entitlement to Accident Make Up Pay.

## Entitlement

When an employee becomes entitled to compensation payments under the *Workplace Injury Rehabilitation and Compensation Act 2013* (WIRC Act), the employer who is liable to pay compensation must pay the employee accident make up pay.

Accident make up pay is an amount equivalent to the difference between:

- the amount of compensation payable under the WIRC Act (and any wages earned by a partially incapacitated employee), and
- the amount that would have been payable under the VCEMEA, including superannuation, if the employee had been performing their normal duties.

Accident make up pay will be paid for a maximum of 26 weeks (inclusive of school holidays) in respect of one illness/injury. It will be paid only while the employee continues to receive compensation under the WIRC Act.

Accident make up pay will not be payable:

- if an employee is on any form of paid leave, or
- where the incapacity results from an industrial disease contracted by gradual process and, at the time of incapacity, the employee had been employed for less than four weeks.

## Eligibility

For an employee to be eligible for accident make up pay, the employee must:

- give notice in writing to the employer of the injury as soon as practicable (this may be provided by a representative of the employee)
- provide written evidence of the injury from time to time as required by the employer during the period of payment
- advise the employer, in writing, of any civil action or claim for damages the employee may make
- attend medical examinations by a registered health practitioner (provided and paid for by the employer) as required by the employer in accordance with the WIRC Act



- authorise the employer to obtain any information concerning the injury or compensation payable with respect to the injury from the employer's WorkCover insurer.

## Ceases

An employee will cease to be entitled to accident make up pay if:

- the employee receives a lump sum benefit under the WIRC Act in redemption of weekly compensation payments
- their employment is terminated due to serious misconduct by the employee
- the employee resigns, or
- the employee dies.

## Resources

- *Victorian Catholic Education Multi Enterprise Agreement 2013* (clause 46)

## Legislation

- Workplace Injury Rehabilitation and Compensation Act 2013