



Weekly Benefits Calculation Table: VIC

Overview

This fact sheet provides a brief overview of pre-injury average weekly earnings (PIAWE) and the formulas that apply when calculating weekly benefits.

Work Capacity	Entitlement Period	Weekly Compensation
No Capacity	First entitlement period 0 – 13 weeks	The lesser of: PIAWE x 95% or maximum weekly compensation amount
	Second entitlement period 14 – 130 weeks	The lesser of: PIAWE x 80% or maximum weekly compensation amount
Partial Incapacity	First entitlement period 0 – 13 weeks	The lesser of: PIAWE x 95% minus current weekly earnings or maximum weekly compensation amount minus actual earnings
	Second entitlement period 14 – 130 weeks	If working: PIAWE x 80% minus current weekly earnings x 80% or maximum weekly compensation amount minus actual earnings
After Second Entitlement Period	131+ weeks	To continue to receive benefits after the second entitlement period, a worker must: <ul style="list-style-type: none">• Have a whole person impairment (WPI) of 21% or more, and• Have no current work capacity and this is likely to continue indefinitely. Should a worker meet the requirements for ongoing benefits, weekly payments are based on the second entitlement period rates. Note: The WPI requirement only applies to claims that have reached 130 weeks on or after 31 March 2024.

Explanatory Notes

- Monetary amounts are generally indexed in April and October each year. All references to monetary amounts need to be checked for currency, against latest indexation.
- The statutory rate is indexed twice a year in April and October.
- CWWR = current weekly wage rate
- AWE = average weekly earnings
- PIAWE = pre-injury average weekly earnings
- Retirement age = age you are eligible for the aged pension under the Social Security Act 1991
- Medical payments continue for up to 12 months after weekly payments cease.
- If a worker is receiving weekly payments because of a work-related injury or illness, they may be eligible to receive superannuation contributions on those weekly payments from EML if they:
 - have been injured on or after 5 April 2010
 - have received weekly payments for an aggregate period of 52 weeks
 - have been receiving weekly payments
 - are under retirement age, and
 - are not receiving superannuation from their employer under a public sector superannuation scheme, law, or industrial award (e.g., make up pay).

Definitions

PIAWE

Simply means the weekly average of the gross pre-injury earnings received by the worker in all employment at the time of injury. PIAWE is calculated as gross earnings divided by the relevant earning period which is the 52 weeks before injury unless an adjustment applies.

Gross earnings include income from all employment at time of injury and the cash value of non-monetary benefits that have been withdrawn after injury but excludes compulsory superannuation, workers compensation and or other compensation payments.

Relevant earnings period

- If continuously employed by the employer for more than 52 weeks – use the 52 weeks prior to the injury.
- If employed less than 52 weeks – use that continuous period.
- If employed less than four weeks – the prospective amount of what that worker would have earned.
- If the worker has voluntarily altered their hours or nature of work which reduces the ordinary earnings across the last 52 weeks – the period before the reduction should not be used in the average.

Schedule 1 lists specific PIAWE calculations for some types of workers, these include:

- an apprentice or worker under 21 years of age
- workers employed by two or more employers
- a worker who had been advised of a promotion or other appointment but had not yet taken up the role.

Non-Pecuniary Benefits

For the purposes of calculating workers compensation benefits non-pecuniary benefits include any amount that, in accordance with the worker's instructions under the worker's terms of employment, the employer is required to apply or deal with on behalf of the worker such as residential accommodation, use of a motor vehicle, health insurance and education fees. Any amount that is excluded from base rate of pay as a base rate of pay exclusion is not a non-pecuniary benefit e.g., incentive payments, loadings, piece rates, overtime or shift allowances.

Time limits on weekly payments

A worker with no capacity for work indefinitely may be entitled to weekly compensation up to statutory retirement age with regular reviews every two years.

Total cap on weekly payments

The maximum weekly compensation amount is capped and indexed in April and October each year. Contact your EML Group Case Manager to find out the current maximum weekly compensation rate.