

SAPS Injury Management Practice Note

Income Support

Objectives, Targets & Performance Indicators

Objective	Target	Performance Indicator
SAPS agencies comply with the RTW Act 2014 for the payment of income support.	All SAPS agencies.	SAPS agency has a procedure for the payment of weekly payments and application of step-downs in line with legislative provisions.

Purpose

The purpose of the guideline is to outline the process that SAPS agencies must follow when a worker who suffers a compensable injury that results in an incapacity for work is entitled to income support under the RTW Act.

Context

The Act provides:

<p>Notional weekly earnings in relation to a worker means—</p> <p>(a) the worker's average weekly earnings; or</p> <p>(b) where an adjustment has been made under this Act to take account of changes in levels of earnings, the value of money or remuneration (including under section 45, 46 or 60) or other relevant factors (or 1 or more of these)—the worker's average weekly earnings as so adjusted but not so as to exceed in any case twice State average weekly earnings;</p>	Section 4
If an 'other than seriously injured worker' suffers a work injury that results in an incapacity for work, the worker is entitled to weekly payments in accordance with the following principles.	Section 39 (1)
<p>During the first designated period (within 52 weeks from the date on which incapacity first occurs) –</p> <p>(i) For any period of no current work capacity – weekly payments equal to the worker's notional weekly earnings</p> <p>(ii) For any period of current capacity – weekly payments equal to the difference between the worker's notional weekly earnings and designated weekly earnings.</p>	Section 39 (1) (a)
<p>During the second designated period (within the period of 52 weeks beginning immediately after the first designated period) –</p> <p>(i) For any period of no current work capacity – weekly payments equal to 80% of the worker's notional weekly earnings</p> <p>(ii) For any period of current capacity – weekly payments equal to 80% of the difference between the worker's notional weekly earnings and</p>	Section 39 (1) (b)

designated weekly earnings.	
The designated weekly earnings of a worker will be taken to be the current weekly earnings of the worker in employment or self-employment (if any) but not so as to include a prescribed benefit.	Section 39 (2)
A worker has no entitlement to weekly payments under this section in respect of a work injury after the end of the period of 104 weeks from the date on which the incapacity for work first occurs (that is, after the end of the second designated period).	Section 39 (3)

SAPS Practice

SAPS agencies will use a consistent process for the payment of weekly payments and the application of the step down provisions of the RTW Act being that:

- The time clock for the application of the step down provisions of the RTW Act commences from the date of incapacity first occurring,
- **The date of incapacity first occurs on the date that the worker first has an entitlement to income support.** “If the worker’s actual earnings are equal to or exceed his or her notional weekly earnings, then there is no incapacity for the purpose of the legislation, notwithstanding that the worker may be performing different duties as a result of the work injury.” James Swanson, Senior Solicitor, Advising Section, Crown Solicitor’s Office, 15.06.2015
- If the worker has no current work capacity, the worker is entitled to their notional weekly earnings at the rate of 100% in the first 52 weeks from the date on which incapacity first occurs.
- If the worker is partially incapacitated for work, the worker is entitled to the difference between the NWE figure set at 100% and the weekly earnings amount.
- If the period exceeds 52 weeks and the worker has no current capacity to work, the worker is entitled to 80% of their notional weekly earnings.
- If the period exceeds 52 weeks and the worker is partially incapacitated for work, the worker is entitled for the period of incapacity to weekly payments equal to 80% of the difference between their notional weekly earnings and the weekly earnings amount.
- A worker who is not seriously injured has no entitlements to weekly payments at the end of the period of 104 weeks from the date on which the incapacity for work first occurs.

This Practice Note should be read in conjunction with Injury Management Practice Note – Calculation of Average Weekly Earnings.