

**DETERMINATION UNDER *TEACHING SERVICE ACT, 1980***

**DETERMINATION NO. 1 of 2009**

**WORKERS COMPENSATION – ACCIDENT LEAVE**

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I, Michael Coutts-Trotter, Director-General of the Department of Education and Training make the following determination pursuant to section 13 of the *Teaching Service Act, 1980*.

**1. Definitions**

- 1.1 “Top up” means the use of available leave credits to bridge the gap between workers compensation payable and the teacher’s usual salary.
- 1.2 “Statutory workers’ compensation payments” means payments at the rate fixed by the *Workers Compensation Act, 1987*.
- 1.3 “Teacher” means a permanent or temporary teacher including a teacher in a promotions position. For the purposes of this determination it includes a teacher in a non school based teaching service position. For the purposes of this definition it does not include a casual teacher.

**2. ACCIDENT LEAVE – *WORKERS COMPENSATION ACT, 1926***

- 2.1 Clause 16(2) of DETERMINATION 16 – ACCIDENT LEAVE - WORKERS’ COMPENSATION ACT, 1926 first published in the Education Gazette, No. 16 of 1974. 24 September 1974 and all variations thereof are deleted in their entirety.
- 2.2 The following clause is inserted into DETERMINATION 16 – ACCIDENT LEAVE – WORKERS COMPENSATION ACT, 1926 published in the Education Gazette No. 16 of 1974, 24 September 1974 as clause 16(2).

“During the first 26 weeks of absence (including the period of the school vacations and as provided for in the Workers Compensation Act) a teacher who is in receipt of workers’ compensation may use available paid sick leave or long

service leave (extended) leave to top up workers compensation pay to the level of their usual fortnightly salary.

After the first 26 weeks of absence, a teacher who is in receipt of workers compensation payments may only use available paid sick leave to top up those payments to a maximum of:

- a. 80% of the teacher's usual fortnightly salary from week 27 up to and including week 30 of the teacher's absence; and
- b. 60% of the teacher's usual fortnightly salary from week 31 up to and including week 34 of the teacher's absence.

Sick leave used by a teacher as top up for weeks 27-34 inclusive of the teacher's absence will be deducted from the teacher's available sick leave entitlements.

Teachers absent on workers compensation benefits from day 1 of week 35 onwards will only be eligible to receive statutory workers' compensation payments.

### 3. Date of effect

- 3.1 This Determination shall take effect from 19 February 2009 and remain in effect until such as time as it is varied or rescinded.

Signed:



Michael Coutts-Trotter  
**DIRECTOR-GENERAL**  
**DEPARTMENT OF EDUCATION AND TRAINING**

Date:

15  
..... March 2009