

Returnto
WorkSA

 Government of
South Australia

Return to *work*.
Return to *life*.

Use of contract labour & third party recoveries

Contract labour



What are we doing to make the practice more difficult



Risk Profiling

We have developed a 'smarter' profile on new employer registrations to help in the identification of-

Phoenix companies

Sham contracting

Through-

- Common location/mailing addresses
- Director information (first/last name, matches, same industry)
- Accountant information (identifying those who regularly 'set-up' these businesses)
- ATO and RevenueSA data matching
- Mismatches of number of workers and remuneration/minimum premium



Changes

- **Certificate of Registration/Currency** – includes expiry date – 30 June 2016
- **Application to Register/Policy** – requests names and expected payments details of any labour hire businesses being engaged by employer
- Premium Business Advisor's **visit each new labour hire employer** with purpose built checklist/declaration for employers to verify. The purpose is to ensure:
 - ✓ correct details have been provided at time of registration
 - ✓ directors are residents of Australia,
 - ✓ activities stated are correct,
 - ✓ previous involvement in other businesses identified (phoenix),
 - ✓ host employer information,
 - ✓ Contract/tender details, including payments made/expected to be made
 - ✓ Worker numbers and expected remuneration/querying "\$0" remuneration
 - ✓ Failure to provide information results in registration not being approved/Certificate not issued



Employer Lookup

Return to WorkSA

Insurance Claims Service providers About us Online services Login

Online services

For employers

Register for cover

Update your details

Renewment and reconciliation

Pay your premium

Estimate your premium

Find your claims agent

Certificate of registration

Employer lookup

Labour hire SAC lookup

Electronic weekly reimbursements (eWPR)

Submit self-insured claims data

For providers

Home > Online services > For employers > Registered employer lookup > Employer lookup

Employer lookup

Search for employers registered with Return to WorkSA.

Please enter one of the following:

ABN Enter 11 digits excluding spaces eg 12345678901

OR

ACN Enter 9 digits excluding spaces eg 123456789

OE

Employer number Enter 8 digits, including leading zeros, eg 00005555

Please confirm you are not a robot *

I'm not a robot

Related links

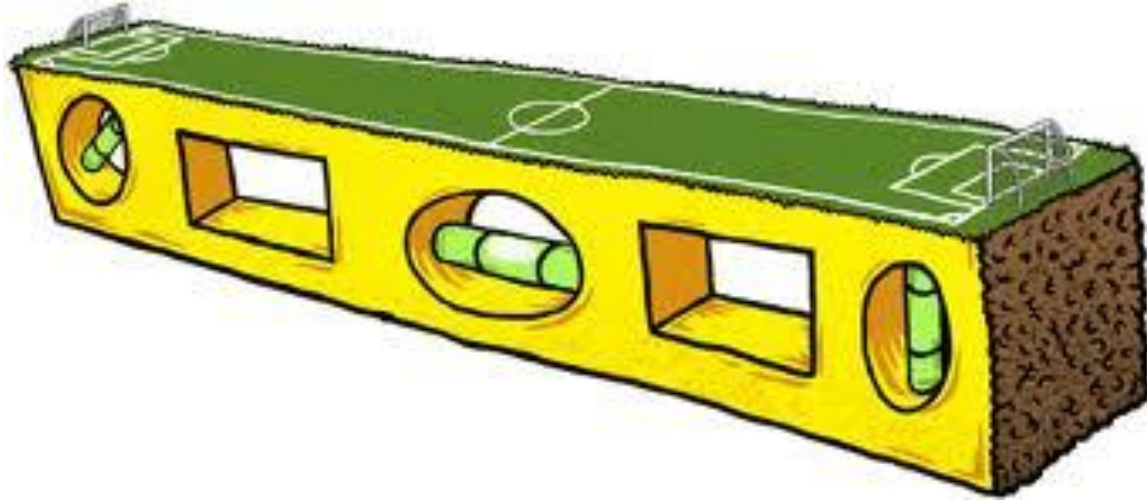
- Businesses using labour supply

Contact us / Feedback

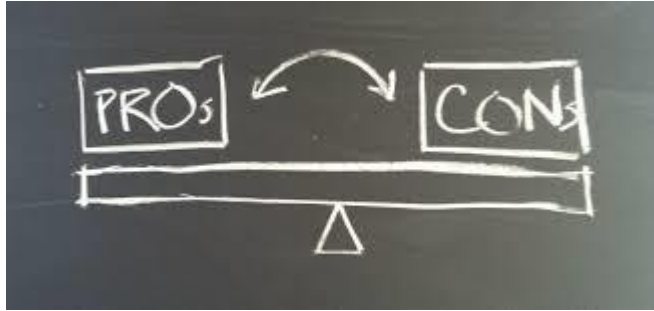
For assistance, please contact Return to WorkSA on 13 28 35 or customers@rtw.sa.gov.au



Asking for your help



Third party recoveries - contract labour



Recovery types

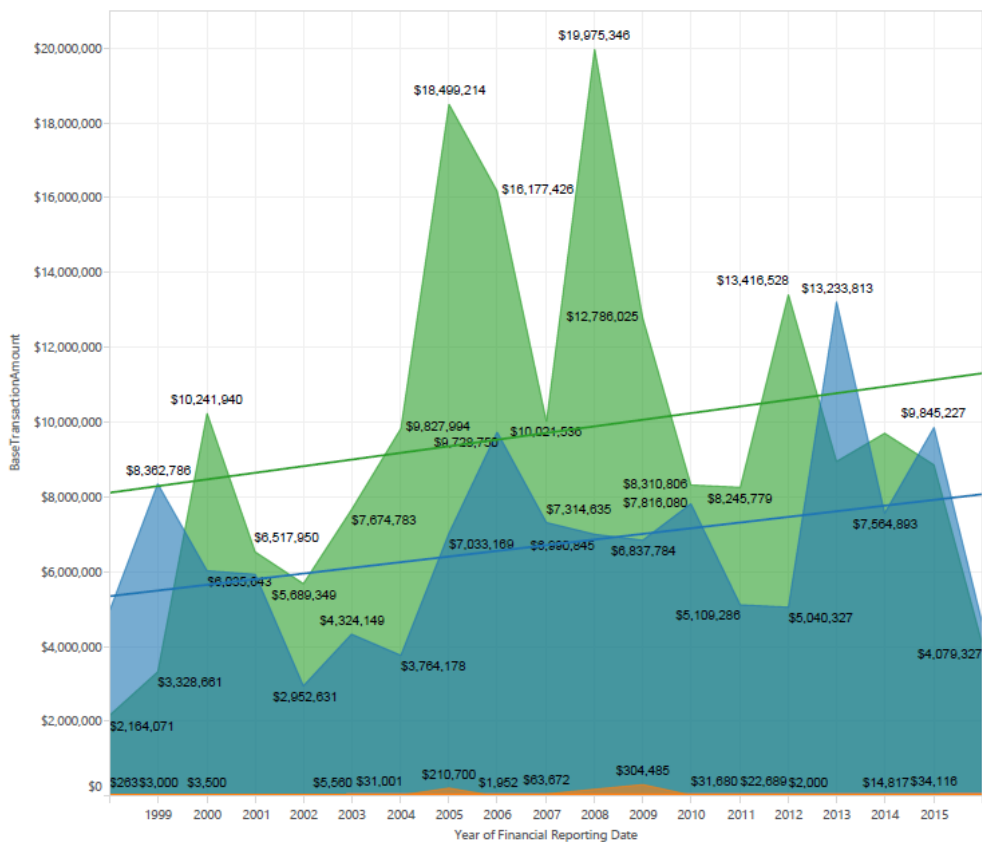


Public Liability Insurance

NEGLIGENCE



Third Party Recoveries by Year



	Third party - assault	Third party - compulsory th.	Third party - public liability
1998	\$263	\$4,954,828	\$2,164,071
1999	\$3,000	\$8,362,786	\$3,328,661
2000	\$3,500	\$6,035,643	\$10,241,940
2001		\$5,935,011	\$6,517,950
2002		\$2,952,631	\$5,689,349
2003		\$5,560	\$4,324,149
2004		\$3,764,178	\$9,827,994
2005		\$7,033,169	\$18,499,214
2006	\$1,952	\$9,728,750	\$16,177,426
2007	\$63,672	\$7,314,635	\$10,021,536
2008		\$6,990,845	\$19,975,346
2009	\$304,485	\$6,837,784	\$12,786,025
2010	\$31,680	\$7,816,080	\$8,310,806
2011	\$22,689	\$5,109,286	\$8,245,779
2012	\$2,000	\$5,040,327	\$13,416,528
2013	\$1,450	\$13,233,813	\$8,934,990
2014	\$14,817	\$7,564,893	\$9,704,943
2015	\$34,116	\$9,845,227	\$8,867,806
2016	\$26,607	\$4,651,676	\$4,079,327



Early identification

INARA MCM's MILA's Investigators

List of questions asked to identify recovery potential, including:

- *Did the injury occur on a premises away from the employers premises?*
- *Is the worker employed by a labour hire company or was the worker on loan or on secondment to another company or under the direction of someone other than their employer?*

If the **answer to any of these questions is yes** then the claim is flagged a potential recovery and **referred immediately to the recovery team at the claims agent for further assessment.**



Process

- Proceedings need to be issued in the District Court within 3 years of the incident
- Where potential for recovery has been identified → investigations and information gathering
- To proceed or not to proceed (legal advisors)
- Recovery charge notice issued and reissued as required leading up to formal negotiations
- Deeds of release entered into where appropriate



Questions

