

## Work health and safety

For guidance on work health and safety in Tasmania, see our flyer 'Work health and safety resources for Tasmania's racing industries'.

## Advisory Service

If you're a small or medium sized business, our Advisory Service can help you meet your workers compensation obligations.



Request a free visit today.

[worksafe.tas.gov.au/advisoryservice](https://worksafe.tas.gov.au/advisoryservice)



# Workers compensation guidance for employers in Tasmania's racing industries

How to comply with your workers compensation requirements

**1300 366 322**  
[www.worksafe.tas.gov.au](https://www.worksafe.tas.gov.au)

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An initiative of the WorkCover Tasmania Board delivered by WorkSafe Tasmania



**This information is aimed at employers in Tasmania's racing industries.**

## What is workers compensation?

Workers compensation is compensation payable to a worker who suffers an injury or disease arising out of or in the course of their employment.

All employers must take out a workers compensation insurance policy with a licensed insurer to cover them for any workers compensation claims made by their workers.

The rules, obligations and rights of employers and workers are set out in the Workers Rehabilitation and Compensation Act 1988.

## I'm in the racing industry. Do I need to have a workers compensation policy?

If you have one or more people working for you at any time, then yes, you **MUST** have a workers compensation policy.

A worker is anyone who does work for you, regardless of whether they are full-time, part-time or casual, and regardless of how you pay their wage. For example, someone who works for you on a casual or ad-hoc basis for 4 hours, 1 day a week and you pay 'cash-in-hand' is a worker.

Failing to have a workers compensation policy is a breach of the Workers Rehabilitation and Compensation Act 1988, and comes with a substantial fine. You can also be ordered to pay the workers compensation premium on top of the fine.

## What about contractors?

Contractors are not covered by workers compensation, so you don't need a workers compensation policy to cover them.

This means that you need to be very clear as to whether someone doing work for you is a worker or a contractor.

Importantly, you cannot simply deem a worker to be a contractor to avoid legal responsibilities to your worker, such as award entitlements and workers compensation.

The Fair Work Ombudsman does not approve of employers who misrepresent workers as contractors, and can impose substantial fines.

## What about jockeys and apprentice jockeys?

Jockeys and apprentice jockeys are deemed to be workers.

However, a licensed jockey or apprentice is taken to be an employee of Tasracing if they are engaged to ride:

- a horse for fee or reward at a race meeting or official trial held in Tasmania under the Rules of Racing, or
- a thoroughbred horse in a training session in Tasmania conducted by a licensed trainer or their delegate.

This means that in most circumstances, you do not need to have a workers compensation policy to cover jockeys and apprentices.

However, WorkSafe Tasmania encourages you to check with Tasracing.

## Where do I get a workers compensation insurance policy?

You can only obtain a workers compensation insurance policy from an insurer who is licensed to offer workers compensation insurance.

You can contact them directly or you can engage an insurance broker to arrange it for you.

See our website for a current list of licensed insurers in Tasmania.

[worksafe.tas.gov.au/topics/compensation/workers-compensation/information-for-licensed-insurers/list-of-licensed-insurers](https://worksafe.tas.gov.au/topics/compensation/workers-compensation/information-for-licensed-insurers/list-of-licensed-insurers)

## What do I do if a worker is injured and they make a claim for workers compensation?



In brief, if a worker is injured and they make a claim for workers compensation, then you must:

- not refuse to receive the claim or obstruct the worker in making a claim
- fill out your part of the claim form and forward it to your insurer within 5 days
- start making wages payments (referred to as weekly payments) and paying medical and other expenses (even if you dispute the claim)
- participate in the return to work and injury management process, and help the injured worker recover by working with the worker, your insurer, doctors and workplace rehabilitation co-ordinator
- if required, find alternative duties for the injured worker while they are recovering.

If you think you have grounds to dispute the claim, talk to your insurer — but you must still do the things listed above until liability is determined.

See our website for more information on workers compensation rights, responsibilities and processes.

[worksafe.tas.gov.au/topics/compensation/workers-compensation/information-for-employers/information-for-licensed-insurers/list-of-licensed-insurers](https://worksafe.tas.gov.au/topics/compensation/workers-compensation/information-for-employers/information-for-licensed-insurers/list-of-licensed-insurers)

