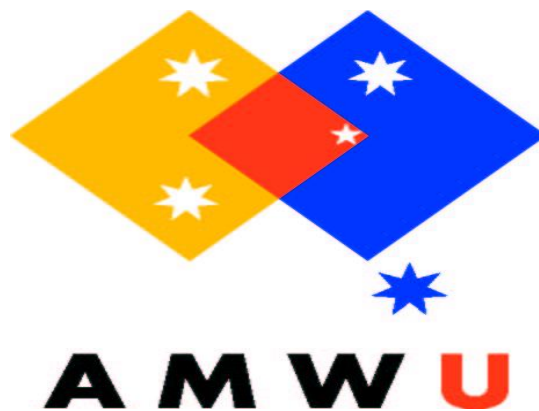


**Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2019**

**Australian Manufacturing Workers' Union**



**Submission to the Education, Employment and Small Business Committee in respect of *Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2019* ("the Bill")**

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## Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2019

### 1. Introduction

1.1 This submission is made on behalf of members of the Australian Manufacturing Workers' Union ("AMWU"). The AMWU, as known on a collective and public basis, is made up of the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees Queensland (the State Registered Union) and the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU) (The Federal Registered Union). The AMWU represents over 100,000 members working across sectors of vehicle building, maintenance and parts supply, engineering, printing and paper products. Our members are engaged in maintenance services work across all industry sectors. We cover many employees throughout the resources sector, mining, aviation defence, aerospace and building and construction industries. We also cover members in the technical and supervisory occupations in engineering and across diverse industries including food, technology and construction. The AMWU has members at all skills/classifications from entry level to degree. The AMWU Queensland Branch represents over 14,000 members with the vast majority employed in Queensland.

1.2 The AMWU welcomes the opportunity to make a submission to the Education, Employment and Small Business Committee in respect of *Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2019* ("the Bill").

### 2. Summary

2.1 The AMWU is very supportive of the changes outlined in the draft bill regarding amending the meaning of injury for a psychiatric or psychological disorder to remove "the Major" as a qualifier for employment's **significant contribution** to the injury. Such a change will enable members with genuine claims to get those claims rightfully accepted.

However there remains a significant hurdle for such members to face and that is the bar of **Reasonable Management Action**. The Peetz review recommended that there be the development of an information booklet which clearly sets out examples of 'reasonable' and 'unreasonable' action for the acceptance of psychological and psychiatric claims. Such a resource would assist workers in understanding why a claim may not be accepted.

Yet this is not part of the draft legislation. Even though it is only a reference document it is an opportunity missed. Its non-development will not assist in the reduction of the number and severity of issues faced by workers in this state.

Rather it will simply bury these workers and their problems in another area of the Qld Government budget. More than likely this will fall back to Health and the already stretched budget will be stretched even tighter.

These ordinary everyday members of Queensland society cannot afford this lack of information to continue. These injured workers often develop psychological injuries which will be that much harder and more costly to resolve if all avenues of support are not used.

2.2 The Draft Act also clarifies the ability of WorkCover Queensland to fund and provide programs which support employers improving health and safety performance after consulting the regulator under the Work Health and Safety Act 2011. It is through providing support and assistance to employers who are doing the right thing and putting in place innovative programs which improve the health and safety performance of their organisation. This will enable these workplaces to become beacons within the industrial landscape showing others how to go about improving safety and health performance.

2.3 The Government is to be commended for two other parts of this draft bill. The first part is that of ensuring that Rehabilitation and Return to Work Coordinators are appropriately qualified. Too often in the past, these positions have been filled not on experience but simply to have a name associated with the role. The experience and qualification of many was not an issue considered by the Division.

The second part that needs to be commended is the provisions which require insurers to provide ongoing rehabilitation and return to work services if the injured worker has been unable to return to their old role, but their entitlements have been finalised.

One of the biggest issues that is apparent when considering this area of society is that in the past injured workers were simply taken to the stage of being **stable and stationary then thrown on the scrapheap of society**.

This is a problem faced by AMWU members in the manufacturing industry. For employers it was a cheap way of getting the injured worker off their books. For the injured worker put out onto the street, there is this situation of not much hope. It is often these injured people who become the suicidal, depressed, obese unemployed in our society. They are often pushed into or off welfare and then in desperation, turn to crime to try and deal with the issues.

The cost of this section of society is far greater than what it would have been if these workers were initially treated like human beings and respected.

Over time we will be able to see the tremendous affect this part of the Act has on the modern Queensland Society.

2.4 The draft Act also contains a provision that require self-insured employers to report injuries and any payments made to injured workers, or to the insurer. This simply means that all insurers operating in Queensland have the same obligations. Not something which had previously occurred but something which should be occurring.

## Conclusion

Overall the AMWU is very supportive of the draft legislation with just the reservation regarding the need for an urgent review of the whole concept of **Reasonable Management Action**.

Currently WorkCover is reporting that only approximately 7% of all claims regarding the effects of bullying and harassment are accepted. This simply means that in workplaces there is a lot of unfair inappropriate behaviour which is impacting on the health of workers in Queensland. These very workers are then not receiving treatment (treatment in this area can be prohibitively expensive and lengthy) or receiving any form of support. These issues then fester in the workplace lowering morale and productivity. In the long term the cost to the economy is quite significant and will last a long time.

The AMWU is appreciative of the opportunity to provide comment on the draft legislation.

If there are queries, please contact the author of the submission.



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Occupational Health and Safety Officer