

Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2024

Submission No: 8

Submitted by: Shop, Distributive and Allied Employees' Association, Queensland Branch

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Committee Secretary
Education, Employment, Training and Skills Committee
Parliament House
George Street
Brisbane Qld 4000

Submission to the Examination of the Workers Compensation and Rehabilitation and Other Legislation Amendment Bill 2024

Introduction

The Shop, Distributive and Allied Employees' Association Queensland Branch (SDA) is one of Queensland's largest trade unions with approximately 30,000 members. The majority of SDA members are women and young people. Almost 60% of members are female, equating to approximately 20,000 women. The SDA has membership in retail, fast food, warehousing, hairdressing and pharmaceutical industries.

Arising from the assistance the SDA provides to its members on Workplace Health and Safety and Workers compensation matters we concur with the findings of the 2023 report on the Review of the Operation of the Queensland Workers Compensation Scheme.

The SDA has seen an exponential increase in Stress and Psychological injury in recent years with extended rehabilitation times and delays in compensation claim decisions. The SDA has noticed that there are extended delays in obtaining prompt review decisions by the Workers Compensation Regulator.

The SDA views the introduction of a protection for GIG workers as a necessary consideration for the scheme to cover such workers as these persons are unprotected in the current Workers Compensation Legislative Scheme. The SDA strongly supports any current legislative changes and submits that there needs to be more legislative change that enhances the protections of these vulnerable workers to be recognized and accounted for within the Workers Compensation and Rehabilitation Act and the Industrial Relations Act.

In the following submission the SDA refers to various portions of the proposals and makes comment on the same. The Committee can be assured that whilst the submission does not refer or make comment on each change, those parts not specifically noted or remain without comment are accepted and supported in principle by the SDA.

Matters pertaining to the Workers Compensation and Rehabilitation Act 2003 (WCR Act)

Having had the opportunity to review the explanatory notes and proposed legislative reforms contained in the Bill the SDA supports the legislative changes. The SDA applauds the Queensland Government in understanding the merit of the 2023 review outcomes and working to implement a majority of the recommendations from that review.

The SDA has viewed an increase in psychological claims either as initial claim or secondary injury arising from a physical claim – the new requirements for insurers to take all reasonable steps to reduce risk of psychological claims arising is supported and we await to see if that has positive impacts on the claims process.

The SDA has canvassed many members who have felt pressured by the employer or relevant management at worksites, and who try to dissuade the member from lodging a workers compensation claim. We strongly support the introduction of the new clauses 46A and 46B that prevent a possible claimant from being pressured not to lodge a claim and once a claim is on board the parties clearly outline significant agreed matters pertaining to the claims process in the “Worker Information statement”.

It is also the SDA’s understanding that the current legislation only requires an employer to report potential injuries to their insurer when the injury is viewed as compensable under a claim. In effect this means that only those injuries that have had medical intervention or assessment are reportable injuries under current Sections 133 & 133A of the WCR Act.

The SDA submits that these sections should require all potential injury claims to be reportable, whether there has been a medical assessment or otherwise. There should be a positive onus and obligation on the employer to report all potential claims and not just those that are deemed compensable by reason of medical intervention.

The SDA strongly supports the provision in new Clause 208B which strengthens the claimant’s ability to choose a doctor of their choice and receive treatment in a manner appropriate for the claimant.

The clearer and expanded obligations of the employer to assist and provide rehabilitation (Sections 220/ 221/221AA/ 228) improves the ability of injured workers to understand their rights to rehabilitation and why an employer may not be able to

provide suitable duties at certain times. The insertion of rehabilitation assistance and obligations by entities engaging agency staff (Section 229A) can sometimes be contentious – this amendment will assist members to clarify their rights and obligations.

Matters pertaining to the Industrial Relations Act 2026 (IR Act)

The amendment to this piece of legislation appears to be procedural and required to align the QIRC jurisdiction with recent reforms in the Fair Work Act 2009 (Cth).

The amendments are viewed by the SDA as necessary and appropriate. Any alterations to the legislation that aligns State and Federal legislative amendments will streamline claims.

The revised obligations to align the Queensland Employment Standards to allow payments of Superannuation, the additional parental flexibility days and increased Small Claims threshold under the Fair Work Act will improve benefits for workers should they need to access such areas.

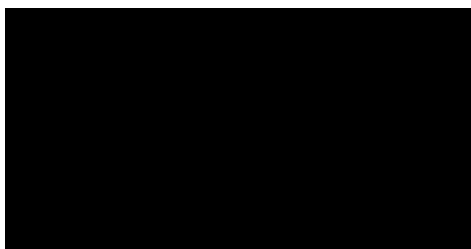
Matters pertaining to the Labour Hire Licensing Act 2017 (LHL Act)

The SDA view these amendments as appropriate. They introduce clarity and fairness into an operational process.

We further note that the amendments account for advancement in digital processing and service of documents.

If there are any enquiries stemming from our submission please do not hesitate to contact Mr Justin Power (Branch Secretary).

Kind Regards,



Justin Power
SDA Branch Secretary