



Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia  
Electrical Division, Queensland and Northern Territory Divisional Branch

Electrical Trades Union of Employees Queensland Branch

**O.** 41 Peel Street South Brisbane Q 4101

**P.** PO Box 3520 South Brisbane Q 4101

**T.** 07.3846 2477 | **F.** 07.3844 9851

**E.** [info@etu.org.au](mailto:info@etu.org.au) | **W.** [www.etu.org.au](http://www.etu.org.au) | [www.etuyes.com](http://www.etuyes.com)

Please address all correspondence to the Secretary: P. J. SIMPSON  
ABN: 80 450 640 455

Mr Michael Crandon  
Committee Chair  
Finance and Administration Committee  
Parliament House  
George Street  
Brisbane QLD 4000  
30 August 2012

By email: [fac@parliament.qld.gov.au](mailto:fac@parliament.qld.gov.au)

Dear Mr Crandon,

### **Inquiry into the Queensland Workers' Compensation Scheme**

I am writing on behalf of the Electrical Trades Union (the ETU) and attach the ETU Submission in relation to the above inquiry.

Should you have any questions or require any further information in relation to this matter, please contact Pat Rogers, ETU Industrial Officer.

Yours faithfully

Peter Simpson  
State Secretary

<b>Gold Coast</b>	<b>O.</b> 3B/17 Short St, Southport		<b>P.</b> 3B/17 Short St, Southport Q 4215		<b>T.</b> 07. 5532 6903		<b>F.</b> 07. 5528 1689		<b>E.</b> <a href="mailto:goldcoast@etu.org.au">goldcoast@etu.org.au</a>
<b>Sunshine Coast</b>	<b>O.</b> 6/33 Bulcock St, Caloundra		<b>P.</b> PO Box 262 Caloundra Q 4551		<b>T.</b> 07. 5341 8927		<b>F.</b> 07. 5341 8953		<b>E.</b> <a href="mailto:sscoast@etu.org.au">sscoast@etu.org.au</a>
<b>Toowoomba</b>	<b>O.</b> 19A Russell St, Toowoomba		<b>P.</b> PO Box 1593 Toowoomba BC Q 4350		<b>T.</b> 07. 4638 9313		<b>F.</b> 07. 4639 2810		<b>E.</b> <a href="mailto:toowoomba@etu.org.au">toowoomba@etu.org.au</a>
<b>Gladstone</b>	<b>O.</b> 1/11 Herbert Street		<b>P.</b> PO Box 848 Gladstone Q 4680		<b>T.</b> 07. 4972 6676		<b>F.</b> 07. 4972 5721		<b>E.</b> <a href="mailto:gladstone@etu.org.au">gladstone@etu.org.au</a>
<b>Mackay</b>	<b>O.</b> 41 Brisbane Street		<b>P.</b> PO Box 1854 Mackay Q 4740		<b>T.</b> 07. 4953 4799		<b>F.</b> 07. 4953 4899		<b>E.</b> <a href="mailto:mackay@etu.org.au">mackay@etu.org.au</a>
<b>Townsville</b>	<b>O.</b> 64 Ross River Road, Mundingburra		<b>P.</b> PO Box 5800 Townsville 4810		<b>T.</b> 07. 4728 2443		<b>F.</b> 07. 4728 2907		<b>E.</b> <a href="mailto:townsville@etu.org.au">townsville@etu.org.au</a>
<b>Calrns</b>	<b>O.</b> 25/25 Grafton Street		<b>P.</b> PO Box 5222 Cairns Q 4870		<b>T.</b> 07. 4051 3472		<b>F.</b> 07. 4051 3502		<b>E.</b> <a href="mailto:calrns@etu.org.au">calrns@etu.org.au</a>
<b>Northern Territory</b>	<b>O.</b> 1st Floor 38 Woods Street		<b>P.</b> PO Box 4053 Darwin NT 0801		<b>T.</b> 08.8941 2300		<b>F.</b> 08.8981 1770		<b>E.</b> <a href="mailto:darwin@etu.org.au">darwin@etu.org.au</a>

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**RECEIVED**

30 AUG 2012

Finance and  
Administration Committee

## **Review of Queensland Workers' Compensation Scheme**

**SUBMISSION BY  
THE ELECTRICAL TRADES UNION OF EMPLOYEES**

The Electrical Trades Union (the ETU) is a union of over 12,000 members representing employees employed in, or in connection with, the electrical industry.

This submission has been prepared by the ETU in response to the referral by the Legislative Assembly to the Finance and Administration Committee to inquire into, and report on, the operations of Queensland's workers' compensation scheme.

The referral requires that the Committee consider:

- The performance of the scheme in meeting its objectives under section 5 of the Act;
- How the Queensland Workers' compensation scheme compares to the scheme arrangements in other Australian jurisdictions;
- Workcover's current and future financial position and its impact on the Queensland economy, the State's competitiveness and employment growth;
- Whether the reforms implemented in 2010 have addressed the growth in common law claims and claims cost that was evidenced in the scheme from 2007-2008;
- Whether the current self-insurance arrangements legislated in Queensland continue to be appropriate for the contemporary working environment.

The referral also requires that in conducting the inquiry the committee should also consider and report on implementation of the recommendations of the Structural Review of Institutional and Working Arrangements in Queensland Workers' Compensation Scheme.

We welcome the opportunity to contribute to this inquiry into the Queensland workers' compensation scheme. The ETU has a strong interest in the welfare of our members and other workers at work. This concern naturally includes, not only the prevention of injury at work, but the support of injured workers should such injuries occur.

The ETU strongly supports legislation that provides for a safe and healthy workplace for all workers employed in Queensland. While we believe that prevention should always be the focus when it comes to the issue of Workplace Health and Safety (WH&S), there also needs to be a scheme that provides for workers who are injured at work. The provisions of such an Act need to include a robust approach to the rights of the injured worker and provide benefits to workers when, and if, they are injured at work.

The ETU has been involved in discussions with the QCU and other unions in relation to this review and has participated in the preparation of the QCU submissions.

The ETU supports and adopts the submissions of the QCU, however, if there is any conflict between the submissions of the QCU and the submissions made by the ETU about specific issues then the ETU submission should be given precedence.



## **Background**

The *Workers' Compensation and Rehabilitation Act 2003* (the Act) establishes Queensland's system of workers' compensation. It provides benefits for workers who are injured at work, it supports employers in efforts to improve health and safety in the workplace and it encourages employers to work with the injured worker to facilitate rehabilitation and return to meaningful work.

In 2010 concerns were raised about the ongoing financial viability of the Workers' Compensation Scheme in Queensland. The then government commissioned an investigation into the scheme by Deloitte. The Deloitte paper identified three factors that were said to have contributed to concerns about ongoing financial viability of the Workcover Scheme. These were:

- An increase in the number and value of common law claims;
- Premiums being kept (artificially) low; and
- Negative financial returns, as a result of the Global Financial Crisis (GFC).

Following the Deloitte paper being handed down, the government conducted extensive consultation with stakeholders and a thorough review of the Workers' Compensation Scheme. As a result of this process there were significant changes made to the Workers' Compensation Scheme to address the concerns that had been identified.

These changes included:

- aligning common law claims with those brought under the Civil Liability Act 2003;
- abolishing the notion of strict liability attaching to employers;
- increased obligations on parties to participate meaningfully in the pre-court processes;
- confirming the ability of the court to award costs, where claims are dismissed; and
- giving the Queensland Industrial Relations Commission responsibility for the bulk of appeals against review decisions of QComp.

The legislation was also amended to require the Minister responsible for the workers' compensation scheme to conduct regular reviews of the operation of the scheme, with the first review to be completed by no later than 30 June, 2013. As this is the first of those reviews the ETU believes that the focus of the review should be to assess the effectiveness of the changes introduced in 2010 in dealing with the concerns that had been raised in the Deloitte paper.

The Information Paper provided to the Finance and Administration Committee ("the Committee") by the Department of Justice and Attorney General indicates that "Due to the financial strength of WorkCover, the Queensland scheme's primary insurer, the solvency risk to the scheme is minimised ..... with an estimated funding ratio of 117 %."<sup>1</sup>

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<sup>1</sup> Executive Summary of the Information Paper prepared by the Department of Justice and Attorney General. QComp, the Workers' Compensation Regulatory Authority and WorkCover Queensland, Paragraph 8

It states that the number of statutory claims has decreased dropping from 49.7 claims per 1000 workers in 2007-2008 to 46.5 per 1000 workers in 2009-2010<sup>2</sup> and that the return to work rate has improved from 95.3% in 2010-2011 to 98.5% in 2011-2012.<sup>3</sup>

It is also projected that both the number and the cost of common law claims will reduce in the 2011-2012 year.<sup>4</sup>

Given this information it would appear that the scheme continues to be financially viable. At first blush this would also suggest that the changes made to the legislation have indeed addressed the concerns raised in 2010 by reducing the number and cost of both common law and statutory claims.

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<sup>2</sup> Ibid, Paragraph 13

<sup>3</sup> Ibid, Paragraph 15

<sup>4</sup> Ibid, Paragraph 16

**Is the performance of the scheme in meeting its objectives under section 5 of the Act?**

The ETU believes that the Workers' Compensation Scheme in Queensland is clearly meeting the objectives set out in section 5 of the Act.

Section 5 of the Act provides:

**"5 Workers' compensation scheme**

- (1) This Act establishes a workers' compensation scheme for Queensland—
- (a) providing benefits for workers who sustain injury in their employment, for dependants if a worker's injury results in the worker's death, for persons other than workers, and for other benefits; and
  - (b) encouraging improved health and safety performance by employers.
- .....
- (4) It is intended that the scheme should—
- (a) maintain a balance between—
    - (i) providing fair and appropriate benefits for injured workers or dependants and persons other than workers; and
    - (ii) ensuring reasonable cost levels for employers; and
  - (b) ensure that injured workers or dependants are treated fairly by insurers; and
  - (c) provide for the protection of employers' interests in relation to claims for damages for workers' injuries; and
  - (d) provide for employers and injured workers to participate in effective return to work programs; and
  - (da) provide for workers or prospective workers not to be prejudiced in employment because they have sustained injury to which this Act or a former Act applies; and
  - (e) provide for flexible insurance arrangements suited to the particular needs of industry.
- (5) Because it is in the State's interests that industry remain locally, nationally and internationally competitive, it is intended that compulsory insurance against injury in employment should not impose too heavy a burden on employers and the community."<sup>5</sup>
- (Emphasis added)

The Workers' Compensation Scheme in Queensland is a "short tail" scheme. It provides "no fault" statutory benefits for a limited time. It also allows workers, who are injured through the negligence of their employer, to take action in Common Law. There can be no claim at common law unless it can be demonstrated that the employer was negligent in some way.

The no fault statutory scheme covers injuries (and death) arising out of, or in the course of, employment if the employment is a significant contributing factor to the injury. This means that it covers journey claims as well as injuries that occur at the workplace. This is a significant benefit

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<sup>5</sup>

Section 5, Queensland Workers' Compensation and Rehabilitation Act 2003 (the Act)



to workers, particularly in Queensland where increasingly we see employees either driving in/driving out, or flying in/flying out, to work sites that are in remote areas of the state.

By providing both a "no fault statutory" insurance scheme and a separate, fault based common law scheme the Act recognises that some employers do better at providing a safe and healthy work environment.

In addition to the implications in relation to their common law liability, employers who have poor injury prevention and management have this taken into account in the calculation of their WorkCover premiums. The employer's premium rates takes into account the size of the employer, the employer's industry, and their claims experience, including both statutory and common law claims. This is similar to WorkCover schemes in other states.<sup>6</sup>

In 2010, WorkCover, working with Workplace Health and Safety Queensland (WHSQ), introduced the *Injury Prevention and Management (IPaM) Program*. This program is designed to provide support and assistance to employers who have repeatedly sustained high levels of claims to develop better workplace health and safety and injury management systems in an effort to reduce the number of injuries at their workplace and thus their WorkCover premiums.

In these ways the Scheme encourages employers to improve health and safety at their workplace and provides a direct link between the employer's performance in that regard and their premiums, satisfying the objects of the Act.

While there were some concerns raised in 2009/2010 about the ongoing viability of the scheme, the current information suggests that the changes made to the scheme as a result of the 2010 review has addressed the concerns that were raised at that time.

This added to the increased focus on injury prevention under the IPaM program, and rehabilitation and return to work provides the balance between benefits for workers and reasonable costs for employers.

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<sup>6</sup> WorkCover Premiums, Information Paper prepared by the Department of Justice and Attorney General, QComp, the Workers' Compensation Regulatory Authority and WorkCover Queensland, Page 15

**How does the Queensland Workers' compensation scheme compare to the scheme arrangements in other Australian jurisdictions?**

The Queensland Workers' Compensation Scheme compares extremely favourably to the scheme arrangements in other Australian jurisdictions.

On whatever measure is used to make the comparison, the Queensland Scheme is working well – whether that be based on the cost of premiums to employers or the benefits to employees. The premium rate is the second lowest in Australia and the benefits to workers are as good as, if not better than, the other jurisdictions.

Added to the increasing focus on injury prevention and early rehabilitation and return to work, the Queensland Scheme is one which meets the needs of all of the stakeholders.

In 2009/2010 Queensland Employers paid an average premium rate of \$1.15 per \$100 wages. As one of the recommendations of the 2010 Review the premiums have increased to an average premium rate of \$1.45 per \$100 of wages. While this is a significant increase, in the order of 25%, it is worth noting that this average premium rate still means that Queensland is the second lowest of the rates that are publicly available, with South Australia being the most expensive at \$2.75 per \$100 in wages and Victoria the lowest at \$1.29.<sup>7</sup>

It is significant to note that, in terms of the benefits that the scheme offers, Queensland provides more "bang for your buck" than any other scheme, with 88% of the premium paid to claimants, either directly or in services. By comparison South Australia spends 77.8% on claimants and Victoria spends only 71.9% of premiums on claimants.

Unlike most other jurisdictions the Queensland scheme continues to provide cover for travel to and from work. They are only a small proportion of claims made, but they provide a significant benefit to employees and by maintaining the link between employment, travel to and from work and the Workers' Compensation Scheme, it encourages Queensland employers to develop and implement appropriate strategies to create a safe and healthy work environment, including managing fatigue in the workplace.

Another comparison between the different schemes around the country clearly demonstrates the efficiency with which the Queensland Scheme is operated. If we consider the proportion of premiums that is spent on administration – in Queensland 10.6% of premiums is spent on "insurance operations" and "other administration". In contrast South Australia spends 18.8% on those functions and Victoria 23.7%.

Queensland is a centrally funded scheme, with a public insurer, WorkCover, that provides most of the workers' compensation insurance functions. Whereas, both the Victorian and the South

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<sup>7</sup> Ibid, Page 15



Australian Schemes are hybrid schemes, which have outsourced claims management and rehabilitation.

Based on those figures it is clear that a centrally funded scheme is the most cost effective and efficient way to manage the Workers' Compensation Scheme in Queensland.

**Workcover's current and future financial position and its impact on the Queensland economy, the State's competitiveness and employment growth**

WorkCover's current and future financial position is secure. By providing a financially sound Workers' Compensation Scheme, with reasonable benefits for employees, at a low cost to employers, with a strong focus on injury prevention and rehabilitation and return to work for injured workers, the Scheme has a positive impact on the State's economy, competitiveness and employment growth.

As can be seen from the table below the Queensland Workers' Compensation Scheme is fully funded as is required under the Act. It has the best funding ratio of any of the schemes included below.

It is projected that the funding ratio for the Queensland scheme, as at 30 June, 2012 will be 117%.<sup>8</sup>

The net funding ratio indicates the financial viability of a scheme. It measures the ratio of assets to outstanding claims liability, generally being expressed as a percentage. For centrally funded and hybrid jurisdictions where there is a separate workers' compensation fund (centrally funded), the scheme's annual report identifies the assets set aside for future liabilities.

The net assets in a centrally funded scheme, such as the Queensland Workers' Compensation Scheme, are the premiums collected and invested by each jurisdiction during a financial year, minus any outstanding amount the scheme may recover from third parties. Net assets are used in the calculation of funding ratios.

Net liabilities in centrally funded schemes are the total current and non-current liabilities of the scheme, minus any amounts the scheme expects to retrieve at the end of the financial year. Net liabilities are used in the calculation of funding ratios.<sup>9</sup>

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<sup>8</sup> Ibid, Page 12

<sup>9</sup> Comparison of Workers' compensation arrangements in Australia and New Zealand, 2011 – 2012, pg 210



The table below provides a comparison of the funding position of some schemes as reported in their annual reports.

Jurisdiction	30 June 2011	30 June 2010
Queensland	Assets: \$3 285 m. Liabilities: \$2 942 m. Funding Ratio: 112%.	Assets: \$3 066 m. Liabilities: \$2 681 m. Funding Ratio: 114%.
New South Wales	Assets: \$13 319 m. Liabilities: \$15 682 m. Funding Ratio: 85%.	Assets: \$12 464 m. Liabilities: \$14 047 m. Funding Ratio: 89%.
Victoria	Assets: \$9 662 m. Liabilities: \$8 991 m. Funding Ratio: 108%.	Assets: \$8 728 m. Liabilities: \$ 8768 m. Funding Ratio: 100%.
South Australia	Assets: \$1 754 m. Liabilities: \$2 705 m. Funding Ratio: 64.8 %.	Assets: \$1 571 m. Liabilities: \$2 553 m. Funding Ratio: %.
Northern Territory	Assets: \$245.2 m. Liabilities: \$267.3 m. Funding Ratio: 92%.	Assets: \$252.3 m. Liabilities: \$248.2 m. Funding Ratio: 101.6%.
Commonwealth Comcare	Assets: \$1 516 m. Liabilities: \$1 671 m. Funding Ratio: 91%. <sup>1</sup>	Assets: \$1 465 m. Liabilities: \$1 411 m. Funding Ratio: 103.8%. <sup>1</sup>

<sup>1</sup> - With prudential margin removed according to the Australian Equivalents to International Financial Reporting Standards (AEIFRS).

<sup>2</sup> - Figures for 30 June 2011 include Residual claims.

**Whether the reforms implemented in 2010 have addressed the growth in common law claims and claims cost that was evidenced in the scheme from 2007-2008**

As outlined above, the number of statutory claims has decreased in recent years, dropping from 49.7 claims per 1000 workers in 2007-2008 to 46.5 per 1000 workers in 2009-2010<sup>10</sup> and the return to work rate has improved from 95.3% in 2010-2011 to 98.5% in 2011-2012.<sup>11</sup>

Common law claims dropped from a high of 4,991 in 2009/2010 to 4,510 in 2010/2011. It is also projected that both the number and the cost of common law claims will reduce in the 2011-2012 year.<sup>12</sup>

On the basis of this data, it would appear that the changes made to the legislation in 2010 have had an immediate, positive result, on the number of both the statutory and common law claims.

**Whether the current self-insurance arrangements legislated in Queensland continue to be appropriate for the contemporary working environment**

The current self-insurance arrangements in Queensland work well and are appropriate for the contemporary working environment. The requirement for the employer to have 2000 employees ensures that it is only larger employers who are able to be self-insured. The further requirement that there be a bank guarantee to cover any potential claims provides some comfort by ensuring that should the self-insurer fail, the bank guarantee will cover any potential liabilities.

The ETU has concerns about the potential for a conflict of interest where the employer is the insurer as well as the employer. There needs to be greater scrutiny to ensure that the role of the insurer and the role of the employer remain separate and that the information provided to the employer, in the guise of the self-insurer, is not used to impact on the employment arrangements of any injured workers.

The ETU does not believe that the 2000 employee threshold should be reduced at this time, as there is a strong suggestion that to do so would not only have an impact on claims management of the individual employees, but could also impact on the financial viability of the current WorkCover Scheme. For example, South Australia, with the highest proportion of self-insurers, has the highest premiums at \$2.75 per \$100. In comparison, Queensland employers currently pay \$1.45. Clearly no move should be made to increase the number of self-insurers in Queensland, without there being a thorough actuarial investigation into the implications of any change.

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<sup>10</sup> Executive Summary of the Information Paper prepared by the Department of Justice and Attorney General, QComp, the Workers' Compensation Regulatory Authority and WorkCover Queensland, Paragraph 13

<sup>11</sup> Ibid, Paragraph 15

<sup>12</sup> Ibid, Paragraph 16



## Other Comments

The ETU strongly supports the Workers' Compensation Scheme in Queensland. While there is always room for improvement, particularly in injury prevention and in the rehabilitation and return to work process, the scheme appears to be meeting the objectives set out in the Act.

An area of concern that has previously been raised by the Union is that of employers failing to pay their WorkCover premiums. There is evidence that some employers do not pay their premiums as required under the Act, but there is little evidence of any action being taken to monitor this with a view to improving compliance with the Act. Given the questions raised about Workcover's current and future financial position, it seems obvious that increasing employers' compliance with the Act would lead to increased income being paid into the scheme.

As stated earlier, unlike most other workers' compensation schemes around Australia the Queensland scheme continues to provide cover for travel to and from work. Given the increasing amount of travel that is required for employees travelling to and from work sites around the state, the ETU believes that it is important to retain insurance coverage for journeys to and from work under the Workers' Compensation Scheme. By maintaining coverage of journey claims it encourages employers to take account of the travel of employees when developing and implementing work health and safety policies and procedures such as managing fatigue in the workplace.

While there are many positive aspects to the Workers' Compensation scheme the ETU believes that the scheme could still focus more actively on rehabilitation of, and return to work by, the injured worker. This could be achieved with stronger, and better monitored, obligations on employers to assist injured workers in their return to work by providing suitable rehabilitation programmes that recognise the specialised nature of the industry in which ETU members work.

There are provisions in the Act that state that an employer has an obligation to provide a rehabilitation program of a suitable standard and failure to do so may result in penalties being imposed on the employer<sup>13</sup>. Despite these provisions, the ETU is not aware of any examples of punitive action being taken against an employer for not providing rehabilitation of a suitable standard.

The current legislation provides an obligation on employers to "take all reasonable steps to assist or provide the worker with rehabilitation for the period for which the worker is entitled to compensation", however the ETU believes that these provisions should be more strictly enforced.

Requiring the employer to assist employees to return to work would provide benefits to all parties – the employee, the employer and the Scheme. A major component in any common law claim is loss of earnings. Ensuring that employees return to work limits the earnings lost and therefore

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<sup>13</sup> Section 229 of the Act

reduce the amounts payable in common law claims. This would then flow on to lower premiums for employers.

The ETU believes that there should be further discussion between interested parties to better develop the framework for rehabilitation and return to work.

The review in 2009/2010 was significant as there were serious concerns that the scheme might not remain financially viable unless some changes were made. Changes were made with the result that the concerns that existed at that time are no longer concerns.

When that review was conducted there were other proposals considered and rejected as a means to restore the balance and the financial stability of the scheme. While those proposals were rejected, for completeness the ETU believes they should be mentioned.

There was a suggestion that a threshold be introduced to limit workers' access to common law claims. The suggestion was rejected. The ETU strongly opposes any introduction of a threshold limit as it ignores the fact that there is not a direct relationship between the level of work related impairment, and the disability suffered by the injured worker. The level of impairment is not reflective of the level of disability suffered or the impact on that person's capacity to continue working in their chosen field.

The fact that there is not a simple, linear relationship between work related impairment and disability is one of the major differences between the benefits available to workers under the common law claims, which takes account of issues relating to disability, such as loss of earnings and pain and suffering and statutory claims, which do not. Disability is not compensated in statutory benefits under the Queensland Workers' Compensation Scheme.

An example of the difference between impairment and disability was provided in the public briefing by the Department to the Committee. The example concerned the loss of part of a little finger and the differing impact that would have on a Bank Manager, versus a Concert Pianist.

For our purposes the ETU prefers examples that are much closer to home. If one of our members suffers a crush injury to their hand, it may result in a minimal level of "impairment" but it may mean that person cannot ever again perform the fine motor skills required to be an electrician. Similarly, if a linesperson suffers a back injury (as they frequently do) and has an ongoing disability they can no longer perform the work of a linesperson.

If injured workers lose access to common law claims there will be a flow on effect, not just to them, but to their families. It moves the cost burden of the injured worker from the Workers' Compensation Scheme to the social services system, such as Centrelink. It has social as well as financial implications.



In considering statutory law claims it is essential to remember that the only way a worker can access a common law claim is because the employer has been negligent in relation to their obligation to provide a safe and healthy work environment.

Attachment 1 to this submission provides information based about real life examples of workcover claims, both statutory and common law claims, made by ETU members. From this information it is clear that even a "minor" impairment can have a catastrophic impact ETU members, particularly given the nature of their work, (it is physical work and demands a level of health and fitness). What this attachment also demonstrates is that the Work related Impairment (WRI) does not reflect the impact on the person's working life. For example, a person with a 10% impairment can return to full duties<sup>14</sup>, whereas a person with a 5% impairment cannot return to work<sup>15</sup>.

It is vital that ETU members retain the right to sue at common law to ensure their future wellbeing and that of their families.

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<sup>14</sup> See example 13 in Attachment 1

<sup>15</sup> See example 11 in Attachment 1

**In summary:**

- The ETU believes that the performance of the scheme is meeting its objectives under section 5 of the Act, that is, it provides a balance between providing fair and appropriate benefits for injured workers (or dependants and persons other than workers) and reasonable cost levels for employers;
- The ETU believes that the Queensland Workers' compensation scheme compares favourably to the scheme arrangements in other Australian jurisdictions, both in terms of the cost to the employer and benefits to the employees;
- The ETU believes that WorkCover's current and future financial position is strong and it provides a positive impact on the Queensland economy, the State's competitiveness and employment growth, by encouraging employers to provide safe and healthy work environments, by supporting injured workers and by supporting injured workers in their return to work;
- The ETU believes that, based on the evidence currently available, the reforms implemented in 2010 have addressed the growth in common law claims and claims cost that was evidenced in the scheme from 2007-2008;
- The ETU believes that the current self-insurance arrangements legislated in Queensland continue to be appropriate for the contemporary working environment. Further ;
- The ETU believes that the changes introduced to the Workers' Compensation Scheme as a result of the recommendations of the Structural Review of Institutional and Working Arrangements in Queensland Workers' Compensation Scheme have made positive changes to the scheme and are encouraging employers to focus more on injury prevention;
- The ETU would support moves to improve the rehabilitation and return to work process, as increasing the return to work rate is beneficial for the worker, the employer, the Workers' Compensation Scheme and ultimately the Community;
- The ETU would oppose any change to injured workers' (members') access to common law claims.
- The ETU would oppose any move to remove journey claims from the Queensland Workers' Compensation Scheme.
- The ETU recommends that Workcover implement a series of regular and ongoing compliance checks to ensure that employers are complying with their obligations to pay premiums to WorkCover .

## **Attachment 1**

1. Linesperson suffered inguinal hernia – 10% impairment. Unable to work and employment terminated as soon as workers' compensation statutory claim ceased (after almost 20 years with that employer). The lump sum he was offered, under the statutory provisions of the Act, was \$24,470.00. The Common Law Claim settled for \$415,000.00.
2. Ergon worker injured knee. Impairment assessment 8% and the lump sum he was offered, under the statutory provisions of the Act, was \$19,576.80. He lost his job after the statutory claim ceased. His Common Law Claim was settled for \$435,000.00.
3. Rail worker hurt his knee – 2% but remains in solid employment in the works factory. The lump sum he was offered from the self-insurer, under the statutory provisions of the Act, was \$4,894.00. His Common Law Claim settled for \$47,300.00.
4. Trades Manager nearing 55 years old at Hospital worked for Qld Health since his apprenticeship as at 19 years, injured. His statutory claim ceased and his work injury assessed at 5%. The lump sum he was offered, under the statutory provisions of the Act, was \$12,235.00. His employment was terminated and he remains unemployed. His Common Law Claim settled for a total of \$278,000.00.
5. Electrician at a drinks distributor injured psychologically as a result of management actions. His WorkCover claim ceased, his employment was terminated before his WorkCover claim ceased. He will return to some form of employment with time but now is on his own when he is ready to make that attempt. The lump sum he was offered by WorkCover, under the statutory provisions of the Act, for a 5% impairment was \$12,235.00. His Common Law Claim settled for \$155,000.00.
6. Electrical trades assistant injured his elbow over a period of 6 months engaged in some awkward and repetitive work. He lost his job but is now working with a new employer. His injury was assessed by WorkCover at 0%. The lump sum he was offered, under the statutory provisions of the Act, was \$0. His Common Law Claim settled for \$195,000.00.
7. A linesperson injured their elbow over a period of time due to the repetitive and awkward nature of the job. His employer has rehabilitated him and he is now in a different position but earning less. His injury was assessed at 2%. The lump sum he was offered, under the statutory provisions of the Act, was \$4,894.00. His Common Law Claim settled for \$120,000.00.
8. A worker suffered a back injury which prevented the worker from returning to his employment as a trades assistant. He was assessed by WorkCover as 5% WRI, which would have meant a lump sum of less than \$10,000.00. The common law claim \$150,000.00.



9. An electrician suffered minor burns and Post Traumatic Stress Disorder. The burns were assessed as 0% WRI. The Lump Sum payment would have been \$0. The common law claim resolved for \$50,000.00. The worker has returned to employment but requires ongoing counselling lump sum.
10. A worker suffered a shoulder injury, which means that they are 4% shoulder unable to return to same work and now on less pay with ongoing work restrictions. They were assessed with a 4% WRI. The lump sum offered was less than \$10,000.00 and medical expenses. The common law claim settled for \$120,000.00 lump sum.
11. A worker, working in an underground mine suffered a burns injury. He was assessed with a 5% WRI. He is unable to return to work in the underground mine. He was offered a lump sum payment of \$5000. His common law claim settled for \$412,000.00.
12. An electrical worker suffered from electrocution and as a result from Post-Traumatic Stress Disorder. He was assessed as having a 0% WRI for the electrocution, with 7.5% WRI for the Post Traumatic Stress Disorder. He is unable to return to pre injury job and now not working. He was offered a lump sum payment of less than \$12,000. The common law claim resolved for \$290,000.00.
13. A worker suffered a knee injury. He was assessed as suffering a 10% WRI. The injured worker was able to return to his pre injury employment without restrictions. He was offered a lump sum of less than \$15,000. His common law claim resolved for \$45,000.00 which predominately covers general damages and future medical expenses.