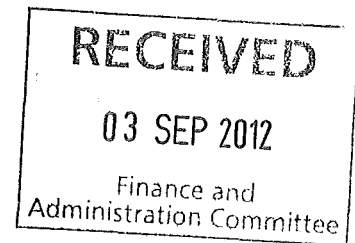
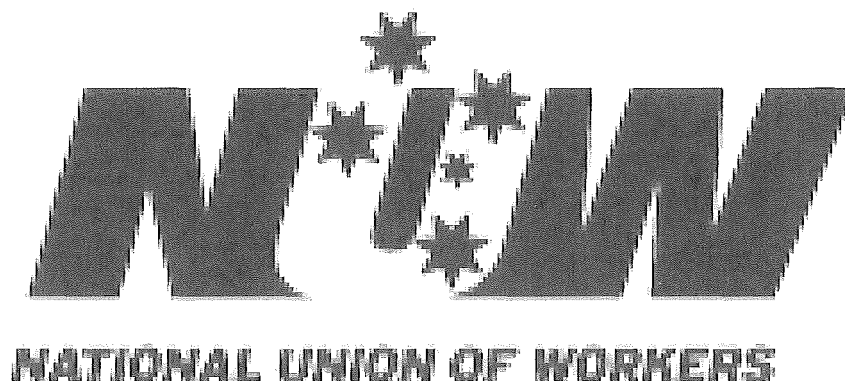


Submission to the
Research Director
Finance and Administration Committee
Parliament House
George Street
Brisbane Qld 4000



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**RE: QUEENSLAND REVIEW OF WORKERS'
COMPENSATION**



**UNITY IS
STRENGTH.**

Mr Sam Roberts
General Branch Secretary
833 Bourke Street
DOCKLANDS VIC 3008

The National Union of Workers' (NUW) is a Labour Union based on the collective strength of thousands of members throughout Queensland. Our Union assists all kinds of employees/ members from multinational corporations to small businesses in a diverse range of industries. The industries we cover include but are not limited to:-

- Market Research
- Defence and logistics
- General manufacturing
- Warehousing and Distribution
- Logistics and food processing.

We thank the Committee for allowing us the opportunity to make a submission on the operation of the Workers' Compensation Scheme in Queensland.

Our understanding of the aim of Workers' Compensation is to provide beneficial legislation to injured workers' throughout Queensland. The system as it stands is referred to as a short tail scheme when compared to other States whose claims continue over a longer period and ultimately cost the scheme more over time. The current WorkCover premium of \$1.42 per \$100 of wages is below the average premiums of other schemes throughout Australia. The Queensland scheme is seen as the shining light throughout Australia as it works well, allows injured workers unfettered access to common law claims and is fully funded.

Our Union is concerned about any changes to a scheme that benefits our injured members in Queensland. Many members suffer what WorkCover or the Statutory scheme deem quite minor injuries but they can have a dramatic impact on them. We understand that consideration is being given to limiting an injured workers right to pursue a common law damages claim.

Our Union is against any changes to this system that allows thresholds to be introduced. We have members assessed by WorkCover or Tribunals with 0% impairments who are then dismissed from their employment because they can't return to their substantive position. This dismissal is due to the injury they sustained at work. Minor impairments to our members whose training and skills are limited often causes them and their families severe financial hardship. This is unfair and our members deserve better protection.

We wish to stress the difference between impairment and disability and how that can impact on our members job security. We are aware that Specialist Medical practitioners will be lodging submissions in relation to this. However, an assessment of 0% under the *Workers' Compensation and Rehabilitation Act* does not mean the injured worker has no medical impairment at all.

Universally implementing a threshold system that prevents one of our members from proceeding with a common law damages claim is unfair and does not take into consideration the effect that even a minor impairment or injury has on our members ability to return to work. Often it is an employer's decision to terminate our members employment due to a workplace injury. Such a member would be at a severe disadvantage on the open labour market if a threshold system was brought in.

A workers right to pursue a claim in negligence against a negligent employer should be unfettered. If an employer has a safe system of work, properly trains its workers, then ultimately any potential claim against the employer in negligence would fail. It is our Unions position that it should not be a threshold that prevents any potential claim, it should be an employers safe systems of work that prevents any claim from being brought. Employers with good training schemes and safe workplaces are protected since a claim in negligence would not be successful.

The need for a strong protection for working Queenslanders is demonstrated in the submissions of our members Phil Conboy and Gregory Barnes. Both of these members were unable to continue to work in their original positions with their employers due to the injuries that they sustained. Ultimately both our members received a sum of money that allowed them to provide for their families and assisted with their rehabilitation. It would be extremely detrimental if other workers in Queensland were not protected in the same way.

Imagine what some unscrupulous employers might do if there was no pressure to provide a safe workplace. We believe the number of accidents would increase significantly at a cost to not only the worker, but the Statutory scheme.

Incentives or reduced premiums should be offered to employers who have zero or few claims against them. This could be offered to those employers with good claims histories.

Our Union is against any changes to the scheme that prevents journey claims. This is unfair and disadvantages those members on a low income. If a member is injured on their way to or from work they should be entitled to pursue a statutory workers' compensation claim to get them back to work. This is more than anything, a moral issue as they would not have been injured but for them attending work. If journey claims are stopped, this would have a significant impact on the socioeconomic lives of many of our members. If they could not get benefits to get them back to work, they would be out of work.

In summary, our Union believes in the old adage, "if it is not broken, why fix it". The system in place in Queensland works well, is fully funded and any changes would disadvantage the workers of this State.



Sam Roberts
NUW General Branch Secretary