

From: Fredrik Carlsson <fredc@rdw.com.au>
Sent: Thursday, 7 March 2013 12:57 PM
To: [REDACTED]
Subject: RE: Finance & Administration Committee - operation of Queensland's workers' compensation scheme
Attachments: Teachers Seeking Compo for the Darnedest Things - Courier Mail Article -.....pdf; Submission on Qld Workers Compensation Reducing Red Tape for Employers.docx

Thank you for the opportunity to comment on the Workers Compensation scheme. Please find attached my submission, together with the article referenced in my submission.

Please feel free to contact me as required.

Yours Sincerely,

Fred

Fred Carlsson | RD Williams | General Manager |
[REDACTED]

Submission to the Inquiry into the operation of Qld's Workers Compensation Scheme – Reducing Red Tape for Employers

Thank you to the Committee for taking the time and having an interest in hearing from a SME Employer. The Draft for "Reducing red tape for employers" is a good starting point, but could be improved by going a bit further or being modified as per the below:

1. The requirement for claims to be lodged should be increased to 100% (not 50%) of the Excess (defined as QOTE by the review). This is in line with any other type of insurance (and more closely aligned with other states), and would reduce the cost and administration for all parties.
2. Do away with the complicated QOTE system. Changing the proportion of QOTE calculation for it to be reportable still maintains the extra Red Tape in the process. To work out the excess on each case, and employer is required to work out average earnings and break out hours per week over the last 52 weeks, which means it always goes into a previous financial year. A better way is that Overtime should be excluded from the calculation, because an employee is only ever employed based on a Standard Working week (no employer can guarantee overtime). Calculating QOTE as simply 38 hours times the hourly rate is simple and fair for all parties. Sick leave and Annual Leave for instance is paid on a 38 hour week, not including allowances for Overtime.
3. Payment during Workers Compensation periods should be for a 38 hour week only. The current system can lead to employees being advantaged by being on Workers Comp and discouraged from returning to work, for instance due to Seasonal factors or economic slow down.
4. The proposal makes the comment that "it includes the requirement for employers to develop and maintain a register for minor injuries" – we do this already anyway as part of WH&S procedures, so it is not an additional requirement.

The above minor changes would be a significant reduction in terms of Red Tape as well as cost to the scheme. As an additional bonus to Government, there would be substantially less Administration required.

In terms of submitting additional information to the Committee, attached is a copy of an Article in the Courier Mail giving examples of Claims accepted under the current scheme. WorkCover should have a Duty of Care to investigate claims which appear out of the ordinary and deny such claims, in fact should look at prosecuting false or excessive applications. The current system is susceptible to Rorting should two people (one employee and a Manager for instance) get together and collude in registering and agreeing to a claim. This is one of the examples of what gives the perception that the scheme is not run optimally. Others include claims well outside the scope of what is classified as Work time/Work Duties.

Courier Mail Mon 4/3/13

Teachers seeking compo for the darnedest things

Alison Sandy
Anthony Gough

QUEENSLAND teachers are claiming thousands of dollars from WorkCover for everything from hugs from students to excessive photocopying.

The Sunday Mail yesterday revealed an average nine teachers a day were being paid by WorkCover, with 4193 claims made since July 1, 2010, worth \$18.39 million.

Accidents account for most of the claims but many appear questionable, including a \$33,979 payout for "consistent use of computer at work" and \$522.16 for "prolonged sun exposure".

Queensland Teachers Union president Kevin Bates said the WorkCover system was not infallible but, to get a payout, some documentation would be needed to back up the claim.

He said the main problem was many legitimate psychological claims were overlooked.

"I've heard many teachers who I've worked with who've

AN EXPENSIVE LESSON			
Source: WorkCover Queensland			
Queensland teachers have made some questionable claims since July 1, 2010. These include:			
\$359 payout after students hugged a teacher "for my birthday"	\$52,769.54 payout because the air conditioner in the room was "too draughty"	\$38,482.16 payout for "doing a lot of bending"	\$35,850.42 payout after being "hit by waves in surf"
\$41,355.44 payout after "falling over in the ocean while supervising students doing surfing"	\$6523.49 payout for "walking during class exercise program"	\$33,979 payout for "consistent use of computer at work"	\$2313.27 payout after "sitting for a long period of time"
	\$18,187.50 payout for using voice "continually above normal speaking level"	\$196 payout because "toe was caught against box of copy paper"	\$3986.20 payout after "repetitive use of shoulder carrying out photocopying duties"

said to me: 'I feel like I'd have been better if I'd have thrown myself down the stairs because at least then I know I'd get some help - whereas, suffering as I am purely the psychological injuries of the work I've been doing, I get nothing.'

"So, from many people's perspective, there is that clear bias towards physical injury versus a person who can be suffering very significant injury but it's a psychological one that isn't something you can actually see."

Griffith University associate professor in employment relations, Bradley Bowden, said the rate of workers compensation claims tended to rise in industries that were under pressure, with employees using it as a way to top up their

income or protest against working conditions.

But he said it was difficult to sort the genuine cases from those lodged for personal gain.

"There's no doubt people certainly do that (lodge frivolous claims) and have done it as

a way of protest or supplementing their income, but trying to work out what's what in an individual case is difficult," he said.

Prof Bowden said low-level claims were often a case of "tick and flick", and were rarely investigated.

"There's very little policing of claims at that level, it's simply relying on the due diligence of the local GP," he said. "It's just not worth WorkCover investigating - you'd be spending far more resources than what it's worth."

Last June the Queensland Government launched an inquiry into the state scheme, including its financial position, how it compares with other states and its impact on the economy and competitiveness.

This month the reporting date for the inquiry was extended after more than 200 submissions from individuals, industry bodies, unions and other organisations.

The committee will report back by May 23.