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10 Aug 2015

Finance and Administration Committee

The Research Director
Finance and Administration Committee Parliament House
George and Alice Streets
BRISBANE QLD 4000

Via E-mail: fac@parliament.qld.gov.au

Dear Ms Farmer,

Re: United Voice Queensland Branch Submission to the Finance and Administration Committee -
Enquiry into the *Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2015*

United Voice, Industrial Union of Employees, Queensland ("United Voice") formerly the Liquor, Hospitality and Miscellaneous Union ("LHMU") welcomes the opportunity to make this submission to the Finance and Administration Committee (the Committee) in response to the Committee's correspondence dated 22 July 2015 calling for submissions on *Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2015*.

United Voice represents almost 30,000 workers in Queensland across a diverse range of public and private sector employers who are engaged in a myriad of industries and occupations which fall under both the State and Federal industrial relations jurisdiction. We represent thousands of school cleaners, teacher aides, ambulance officers, health professionals and operation staff, child care workers, those employed in the contracting industries including but not limited to cleaning, security and hospitality, private prisons and detention centres and aged care workers.

United Voice welcomes and supports this Bill as a vital step towards reinstating common law rights for injured workers that were adversely affected by changes made by the *Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2013*.

Queensland Workers' Compensation Scheme

In comparison to other States Queensland had, unquestionably, the best Workers' Compensation scheme in

Australia by any objective measure, delivering in an efficient manner appropriate benefits and support for injured workers and low premiums for employers, thus delivering to all Queensland a sustainable and fair Workers' Compensation scheme.

Prior to the Newman LNP government , successive Labour governments had sought to create a fair, sustainable and efficient scheme by balancing low premium rates for employers with appropriate benefits for injured workers , as well as promoting durable return to work programs. The diversity of the United Voice membership recognise that Queensland's

• organising for the future •

Workers' Compensation scheme is an important economic driver for our State and jobs and should not be amended without careful consideration.

With the swearing in of the Newman LNP government in 2013, the most fundamental attack on the rights of Queenslanders , was delivered in the form of the changes to the Workers ' Compensation scheme. These changes to the scheme meant that from 15 October 2013 more than 50% of people injured at work due to the negligence of their employer could no longer sue for damages. On 31 January 2015, the will of the Queensland electorate was clearly expressed.

Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2013 (the 2013 Amendment Act)

United Voice welcomes and supports this Bill as a vital step towards reinstating common law rights for injured workers who were adversely affected by changes made by the Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2013, by establishing the ability to provide additional lump sum compensation to particular workers affected by the operation of the common law threshold and prohibiting prospective employers from continuing access an individual's claim history as they have been able to following other changes made by the 2013 Amendment Act.

The passage of this Bill abrogates the shameless threshold introduced by the LNP government that unjustly denied access to common law rights to many workers injured due to the negligence of their employer . For workers who sustained injured during the period 15 October 2013 to 30 January 2015 resulting in a Degree of Permanent Impairment (DPI) of 5% or less the Bill provides for "additional lump sum compensation" to be paid. Whilst United Voice commends the provision of an additional lump sum compensation for those injured workers. This group of injured workers have been unfairly impacted by the improper removal of their rights by the Newman LNP government and the 2013 Legislation reforms. The government has not yet confirmed how the additional lump sum compensation will be calculated and/or paid to this group of injured workers . United Voice is concerned for this group of injured workers that any additional lump sum compensation must adequately compensate for the improper removal of their common law right. United Voice eagerly awaits the governments position in relation to entitlement for those to access the additional lump sum compensation , how that lump sum compensation will be calculated , and confirmation that such compensation will be sufficient and appropriate to mitigate the negative impact on workers who sustained injury between 15 October 2013 and 30 January 2015.

United Voice commends the retrospective application of the amendment to remove the common law threshold commencing on 31 January 2015 in alignment with the government 's election commitment to reinstate common law rights for injured workers by removing the threshold.

Prior to the introduction of the 2013 Amendment Act, it was settled law that job applications should not be broadly asked to provide their medical history to prospective employers . United Voice supports the removal of the right of prospective employers to obtain from the

Regulator the claim histories of job applicants . However, we would respectfully submit that the Bill should go further in relation to those sections placing a positive obligation on the prospective worker to disclose pre-existing injury or medical conditions to a prospective employer particularly in light of the harsh consequences for a prospective employee who falls fowl of these provisions and is exposed to the removal of an entitlement to compensation or to seek damages for a work event that aggravates a pre-existing injury or medical condition as a consequence .

Conclusion

United Voice commends the passage of this Bill to the Finance and Administration Committee. The passage of this Bill is

widely supported by the membership of United Voice and restores fairness and balance to the Queensland Workers' Compensation scheme .

Please contact - - - ..or at



u should you want to discuss any aspect of this submission further . All correspondence should be addressed to PO Box 3948, South Brisbane BC, Queensland, 4101 .



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Gary Bullo
Branch Secretary