

13th June 2015
Volume 3 Number 7

UFU OF A AVIATION BRANCH



NEWSLETTER

GOVERNMENT CHANGES TO COMCARE LEGISLATION [SAFETY REHABILITATION AND COMPENSATION ACT] WILL THREATEN STABILITY AND FUTURE OF COMCARE AND SEVERELY IMPACT ON YOUR RIGHTS AND ENTITLEMENTS IF YOU ARE INJURED AT WORK

The following is a summary of the federal government's proposed changes to the Comcare legislation. If this legislation is passed by the parliament it will severely impact on your rights and entitlements if you are injured at work. The summary is taken from the ACTU briefing to members of parliament.

Your Union has started a petition on change.org and urges all members to sign the petition after reading this summary. The ACTU made submissions to the Senate Standing Committee on Education and Employment Legislation on behalf of all affiliates of which the Aviation Branch is one through the UFU of Australia.

BACKGROUND

Over the past year, the Federal Government has introduced three key pieces of legislation designed to make it harder for workers who have been injured at work to access workers' compensation.

These Bills are:

1. *The Safety, Rehabilitation and Compensation Legislation Amendment Bill 2014 (Bill No. 1)* – this Bill will expand the Comcare scheme to all national employers, which would place significant strain on Comcare to provide the proper oversight, regulation and monitoring required of a national scheme
2. *The Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) 2015 (Bill No. 2)* – this Bill would allow employers and insurers to 'scheme swap' at will between state and national schemes, which may potentially lead to the economic collapse of state schemes and is likely to drive up premiums for small to medium sized employers.
3. *The Safety, Rehabilitation and Compensation Amendment (Improving the Comcare Scheme) Bill 2015 (Bill No. 3)* – this Bill would restrict eligibility to workers' compensation for a large number of workers, and reduce entitlements for those workers who remain eligible to access workers' compensation.

SUMMARY OF THE BILL

Bill No. 3 proposes radical changes to the Comcare scheme, with most of the measures designed to exclude injured workers from the scheme, or to reduce compensation benefits for those who remain eligible.

In particular, the Bill will:

Restrict eligibility to compensation

- Changes to eligibility rules will result in anyone with a 'designated injury' facing onerous tests to prove that there was no pre-existing condition, vulnerability or susceptibility that may have contributed to the workplace injury.
- This provision will have a particularly discriminatory effect upon older workers and those with disabilities, who are more likely to be susceptible to injury due to some pre-existing condition.
- Workers with psychiatric injuries will find it harder to access compensation, and will not be able to claim compensation for any injury that was caused by an action that the employer claims was a 'reasonable management action'

Make it harder to access rehabilitation services and return to work

- A proposed new 'Workplace Rehabilitation Plan Framework' will allow employers to dictate a worker's rehabilitation and treatment plan even against the medical advice of the worker's treating doctor.
- Workers will be subject to sanctions, which could include the suspension or cancellation of their payment, if the employer judges them to be non-compliant with the rehabilitation plan.
- Workers who have not been deemed to suffer a 'catastrophic injury' will only be entitled to three years of home care. In practice, this will mean that a worker who has 'only' one limb amputated will only be entitled to three years of home care, regardless of ongoing need.
- The employer is no longer responsible for finding suitable alternative employment for the worker. Instead, workers will be subject to onerous Centrelink-style job search activities and will be forced to take *any* work with *any* employer offered, or risk losing their compensation.

Cut off or reduce payments

- Incapacity payments (or 'step downs') will be reduced for all workers. This will particularly impact on those with injuries that take longer to recover from, especially those who are permanently and significantly disabled.
- Comcare will be able to compel doctors and other medical practitioners to provide medical records, and workers risk losing their compensation if they fail to comply.
- Workers whose support network or family is based overseas will be forced to remain in Australia to receive their compensation payments. This has particular ramifications for FIFO and migrant visa workers.
- Workers, even those on return to work plans, will no longer accrue any leave while on compensation.
- Permanent impairment payments would be dramatically reduced for an anticipated 90% of permanently injured workers.

Make it harder to appeal unfair decisions

- There is a cap on payment of legal costs which will make it harder for workers to lodge appeals against unfair decisions

WHY WE OPPOSE THESE CHANGES

If these changes go through, they will severely disadvantage injured workers.

By restricting eligibility to compensation and reducing the services and payments available to people who have been injured at work, employers may save some small amount of money in the form of reduced premiums – but at what price?

This cheap and nasty compensation scheme will merely shift the cost of a workplace injury even further onto the worker, their family, and the broader community.

These recommendations will hurt ordinary working people who have been injured at work.

And the worst is yet to come – more changes are expected to be made in the form of Regulations which haven't been released yet.

HOW YOU CAN HELP

Please join Australian Unions, and all workers who have been injured at work, in opposing these Bills and sign the petition at https://www.change.org/p/members-of-the-house-of-representatives-and-senators-of-australian-parliament-stop-bad-comcare-legislation?just_created=true

We need our politicians to stand up against these unfair changes and support a fair workers' compensation scheme.

Please help us to make sure that every worker who gets injured at work receives fair treatment and support.

Spread the word to your Parliamentary colleagues and the broader community that you will be voting against these Bills by signing our [petition](#) and urging everyone you can to do the same by going to our webpage and clicking on one of the links in this newsletter.

A full copy of the ACTU submissions to the Senate Standing Committee can be found [here](#) is well worth the read.