

Parliamentary Inquiry on WC – Opening Statement – Amber Flohm, Deputy President, NSW Teachers Federation

I would like to acknowledge the Gadigal people of the Eora nation, the Traditional Custodians of this Land and pay my respect to the Elders past, present and emerging. I would like to extend that respect to other Aboriginal people present today.

Thank you to the committee for the opportunity to contribute to this inquiry, to appear as a witness and for taking the time to read our brief submission.

I must however put on record at the outset our deep concern that despite the best efforts of the Committee members and in particular the parliamentary committee staff in pulling this inquiry together so quickly, it is an indictment on the Treasurer and the government for rushing this process, and rushing deliberations on what is an extremely significant piece of legislation and a significant ongoing issue for society.

Today I proudly represent around 60,000 public education teachers across NSW.

These are the very workers that our communities across NSW rely upon to secure the educational and wellbeing outcomes of our children, young people and adults in schools and TAFE – to do all they can to ensure they have futures which are happy, fulfilling and contribute to the economic prosperity and social cohesion of our society.

The thing about schools is that they are glued together through the goodwill of teachers. Chess clubs, coding clubs, STEM competitions, dance groups, play school camps, community events and the list goes on and on.....what teachers rightly expect and deserve is if they sustain a mental health injury at work, that their employer and government will support them to recover and return to work.

Across the state, in the course of their daily work, teachers can experience injuries which significantly impact on their mental health. These can include repeated sexual harassment, vicarious trauma through tragic student and teacher events, incidents of violence and abuse, severe bullying and breakdowns, due to well evidenced workload burnout.

These proposed reforms from the Treasurer shift the burden from the government to an injured teacher while they wait for a hearing, decision and/or an order from a relevant jurisdiction, whether that be the IRC or FWC, retraumatising themselves in the process, and even then, only for a minority of psychological injuries their case might be compensable.

The options for psychologically injured teachers would be very limited. A beginning teacher, for example, would be forced to return to work unwell, with potentially no medical treatment as they are far less likely to have accumulated paid leave balances. This will not only likely worsen their injury but will see them in front of our students and no one wants that! Alternatively, they will simply leave the profession and ultimately must seek assistance from social security.

On the subject of whole person impairment and the proposed changes to increase that threshold from 15% to 31%, our experience is that it is very rare across Federation's long-term cases, to find an injured worker who would be at or above 30% of WPI. But even at 15% that person is very unwell. To leave them without ongoing support is to say to them that the government doesn't care about them, or value the public service they provided throughout their career.

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Received by	<i>James Ryan</i>
Date:	<i>16/5/2025</i>
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In public education, both schools and TAFE, the government has worked with the Federation over the last two years on multiple WHS measures and focused on reducing the workload for the purposes of attraction and retention - and great gains have been made to date – these proposals work absolutely contrary to that aim. They are the antithesis of what we are trying to achieve.

Staff Wellbeing is a central pillar of the Department of Education's Public Education Plan. These proposals fly in the face of these words.

In 2024 the Federation and the Department jointly trained every principal and union representative across the 2200 public schools. The local area Federation organiser and Department Director codelivered this training on Understanding Psychosocial Hazards in the workplace. The Department has recently restructured its WHS directorate to focus move heavily on preventative measures and added significant recovery and return to work officers. That structure went live on the 20th April this year – it has not been given any opportunity to bear fruit.

All of these initiatives may well bring down workers compensation claims and improve return to work outcomes, but until then, it is the Federation's strong view, that support cannot simply be withdrawn.

We are not suggesting for one minute that changes do not need to be made, they most definitely do. With Unions NSW, Federation asserts there are ample opportunities for a **considered review** into the current scheme, with necessary medical and other expert input, with a focus on preventative measures and increasing return to work rates, without compromising our members support when they are injured at work.

Thank you