

A. Heat Stress

On 13 September 2013, the CFMEU wrote to WorkCover regarding heat stress in the summer months. At the time the CFMEU was attempting to put together a heat policy for use in the construction industry. The CFMEU requested that WorkCover provide some statistics with respect to complaints received regarding heat stress in the previous year.

On 4 October 2013, WorkCover responded to the request declining to provide the statistics requested as they "are not likely to be relevant for your purposes."

The CFMEU was requesting the statistics to provide some guidance for the development of the heat policy. The statistics requested would help the CFMEU to understand what the main complaints were and what areas should be the focus of the policy. The request was a reasonable one and the CFMEU was disappointed that more consideration was not given to this request.

B. [redacted] and certificates of capacity

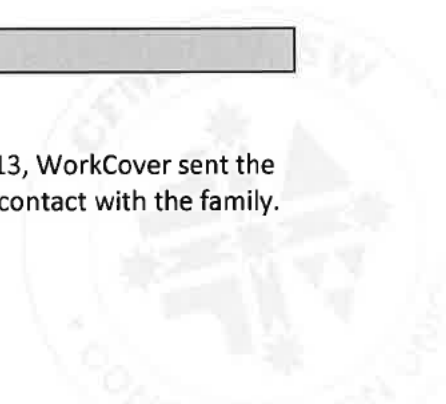
On [redacted] July 2013, the CFMEU wrote to WorkCover on behalf of our member [redacted]. Due to [redacted] not receiving notice of the changes for certificates of capacity he was unaware that he needed a new certificate and consequently was unable to operate plant equipment.

On [redacted] July 2013, the CFMEU again wrote to WorkCover regarding this issue as a reply had not been received. The CFMEU considered that given the effect this was having on [redacted] employment possibilities WorkCover should have contacted [redacted] or the CFMEU and responded to the complaint.

On [redacted] August 2013, WorkCover responded to the CFMEU's letter. WorkCover stated that they had investigated the matter, spoken to [redacted] and were assisting him with renewing his licence.

C. [redacted]

Following the death of [redacted] at a Camperdown site on [redacted] April 2013, WorkCover sent the family a short letter advising the family of who from WorkCover would be in contact with the family.



Given that the [redacted] family live in [redacted] and the cost of international calls is high, the CFMEU is concerned that WorkCover's preference was for the family to telephone their representative. WorkCover did not provide an email address or an alternative for contacting their representative.

D. [redacted]

On [redacted] January 2013, the CFMEU wrote to WorkCover on behalf of our member [redacted]. [redacted] received a burn to his leg from an axle grinder that he was instructed to operate in high temperatures. The CFMEU also complained about his treatment by personnel on site after the incident. The CFMEU outlined the steps [redacted] took to notify WorkCover of the incident and the way he was treated when he telephoned the hotline.

On [redacted] February 2013, WorkCover responded to the CFMEU's letter. WorkCover denied that [redacted] had given the inspector all the necessary information over the phone. There was no discussion of what further action was taken or whether WorkCover had investigated the allegations raised by [redacted].

The CFMEU considers that the response provided was inadequate given that serious concerns were raised regarding the behaviour of certain personnel on site. WorkCover did not address these concerns. WorkCover's response to the allegations raised regarding [redacted] treatment via the hotline was also inadequate. Merely stating "*Please be assured that WorkCover is committed to excellence in customer service and this omission is regrettable*" is not adequate and fails to address the concerns raised.

E. Hungarian Workers

On 20 November 2013, the CFMEU wrote to WorkCover regarding the skills and qualifications of 20 hungarian workers employed by [redacted] on Temporary Worker (Skilled)(ClassUC) Subclass 457 visas. The workers had indicated that they received their qualifications through a process of Verification of Competencies conducted by COBRA Training and Licensing Services, despite the workers not having the requisite skills needed to achieve these competencies. The CFMEU requested WorkCover complete a full investigation into the various issue raised.

On 22 January 2014, WorkCover responded to the CFMEU's concerns. In their response WorkCover indicated that they had conducted a comprehensive investigation and that the CFMEU's concerns were unfounded.

The CFMEU is concerned as to how comprehensive the investigation was. WorkCover attended the premises of the training provider and looked over documents and spoke to the trainers. There is no indication that WorkCover spoke to the workers to get an understanding of what actually happened during the training sessions. While the paperwork may be in order that does not indicate what actually occurred during the training sessions.

F. Non-Compliance of [redacted]

On [redacted] February 2014, the CFMEU wrote to WorkCover requesting that WorkCover investigate [redacted] for potential non-compliance of workers compensation.

The CFMEU has not received a response to this letter.

G. Complaints against QBE Case Manager

On October 2013, the CFMEU wrote to WorkCover on behalf of two of its members, and , regarding the conduct of the insurer and their case manager. The CFMEU raised concerns about QBE requesting multiple copies of the original claim forms, difficulty in contacting the case manager and failure of the insurer to respond to telephone calls and emails. The CFMEU's complaints had been raised through the appropriate channels within the insurer and having had no success the CFMEU sought assistance from WorkCover.

On December 2013, WorkCover responded to the CFMEU's concerns. WorkCover claimed that through a WIRO investigation QBE indicated that they had had difficulty in contacting and that the CFMEU's concerns were unfounded and were reasonable actions under the workers compensation system.

WorkCover indicated in its response that QBE has a policy requiring staff to respond to telephone calls with 24 hours and emails within 7 days. WorkCover stated that it had reminded QBE of its obligations and that the complaint would be kept on record.

The CFMEU addressed the letter to both WorkCover and WIRO as the issues raised needed to be dealt with quickly and the CFMEU was concerned about WorkCover's response times. We note that WIRO contacted the CFMEU within a week of receiving the letter and that WorkCover did not respond for approximately 9 weeks. This is unacceptable and concerning.

H. Merit Review

On October 2013, the CFMEU wrote to WorkCover regarding the conduct of the Merit Review Service. The CFMEU had lodged an application for a merit review with WorkCover on July 2013. On October 2013, having not received a response to the application, the CFMEU contacted the Merit Review Service and was told that the decision had been sent to via email, despite stating he wanted all correspondence to be via post. The action of the Merit Review Service had the potential to infringe upon rights with respect to further review. He was left with only 2 days with which to lodge an application for WIRO to review his work capacity decision.

On November 2013, WorkCover responded to the CFMEU's complaint. In their response WorkCover admitted the mistake and passed on their apologies. WorkCover indicated that they had set up an additional check for all correspondence to confirm that decisions are sent via the worker's preferred communication method.

I. Applications for Merit Review denied

On 25 September 2013, the CFMEU wrote to WorkCover regarding the Merit Review Service's refusal to conduct a merit review of a work capacity decision because an internal review had been completed. The CFMEU identified the section of the Act and of the relevant guidelines that allows for a merit review where an internal review is not completed within the required time frame. The CFMEU also raised concerns that WorkCover accepted the arguments presented by the insurer's without investigating the matter further, especially when the CFMEU provided evidence as to the date the internal reviews were lodged with the insurers.

On 27 September 2013, the CFMEU received responses from the WorkCover Merit Review Service confirming that the merit review would proceed.

The CFMEU is concerned that the training given to the Merit Reviewers was not extensive enough to cover all possibilities. The Merit Review Service should have been aware of the sections of the Act and of their own Guidelines that allowed for them to conduct a merit review where an internal review had not been made within the required time frame.

J. Responses to Workers Compensation Concerns

The CFMEU has sent various letters to members of parliament regarding the plight of our members under the new workers compensation legislation. These letters were attached to our written submissions.

From time to time, the Finance Minister or Premier would pass this correspondence on to WorkCover for them to respond. The CFMEU has sent approximately 30 letters and has received approximately 10 responses from WorkCover. Each of these letters is in similar, if not the same, terms. WorkCover refuses to discuss the claims of the members and takes the time to repeat the rhetoric for the workers compensation amendments. The letters from WorkCover are full of standard responses which ignore the problems and realities of the systems.

