

**Submission
No 20**

**INQUIRY INTO 2018 REVIEW OF THE WORKERS
COMPENSATION SCHEME**

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Good morning, my name is Jennifer Lynch and this is my submission to the Minister, Dominic Perrottet and for Industrial Relations NSW - my submission for ideas that will improve the injury management program that's current at the moment.

My proposal is that every Australian employee and employer should study and become competent in an introductory course of Workplace Health and Safety with an option later to study further at a higher level depending on their position in the workplace.

Also, every Australian employer and employee will contribute to an injury management insurance scheme, a risk assessment would need to be conducted to ascertain the cost and there be another option to pay into a higher level as well. What I am proposing is that a small nominal amount will be taken out of the employee's wages per week, let's just say, six dollars for instance, just off the top of my head. I'm sure insurers all across Australia, insurance companies would relish the idea of having a new scheme that would come forward. I am sure every State in Australia would relish the idea of saving the millions of dollars that is currently being poured out onto injured workers.

I'm very concerned that Australian businesses with an ABN who are currently paying into insurance are not actually participating in that particular program as best as they possibly could. What I am also proposing is that those Australian businesses, their HR department – and certainly if they don't have a HR department, they certainly establish one because it's most imperative for the wellbeing of each employee to conduct an introductory program to each employee before they even commence working at a workplace so there is a duty of care that is undertaken immediately.

I'm also proposing that workplaces are audited on a regular basis by external and internal workplace-qualified auditors to come in to ensure each employee actually does have that qualification and has a full understanding of their workplace.

Having worked in TAFE for 21 years and a lot of the programs that I teach are actually WHS to many and varied students. Actually, I have a quite a diverse range of students under my care. When we are studying WHS we actually do a tour of the property and identify possible risks. We usually work on live projects and it might be the workplace that they are undertaking themselves or it could be the study workplace. I'm thinking that more workshops need to be proposed and follow-up training to make sure that every single worker in Australia is taking duty of care.

I'm also proposing that the duty of care should actually follow on to every local State and Federal Department. I think that it's time that we cleaned up Australia and made it safe. Ironically that I am a WHS Officer and lecturer at TAFE, our workplace was in North Sydney and we moved out to take over the old Parramatta TAFE. My accident happened on the way to work from the carpark to the office. I would only have been in my new workplace for a matter of days. It can happen to anybody – no matter how well-qualified you are, how well trained you are. When it comes to the point though when it's not even safe to walk to our workplace, that's when I'm proposing that everyone in Australia gets on board. We've got to start with local councils to make sure it's safe to walk on the streets and it's all very well to change the *Civil Liabilities Act* to protect yourself financially. I think we have a duty of care to Australians and their health first and foremost.

It's imperative that CEOs, Ambulance officers, hospital workers, any allied health workers, WHS officers already established in workplaces, HR all become familiar with the new program I'm hoping that will be put into place, briefed on a duty of care responsibility.

Injury-management training to a higher priority for every Australian. Workplace representatives must be proactive during the case management periods as well. Unfortunately if a worker becomes injured, I think it's imperative that a workplace do become proactive. You can't bury your head in the sand and just say well, I'm sorry, I'm not responsible or I don't have a HR department. I think we need to be accountable in every way possible.

What I'd also like to propose is that insurance medical examiners are audited on a regular basis and it is imperative that they attend regular injury management seminars undergoing rigid investigations and testing for eligibility and suitability for the assessments that they are conducting and certainly a duty of care.

Injury management insurance companies and personnel to be trained appropriately with WHS. Reintroduce CRS Australia (Commonwealth Rehabilitation Services) that were closed down by the Abbott Government in 2014. That was the greatest mistake ever. Tony Abbott said, 'I think that the private companies are mature enough now to be able to take on that responsibility.' Well I'm afraid that I don't agree and I actually have first-class experience and accounts with that.

I think that the qualifications of these private rehab groups need to be looked at and also make sure that they are audited regularly as well to include that they have occupational therapists on board and ideally, an extra qualification such as perhaps physiotherapy or social worker. This is really imperative to make sure we give sound protection and assistance to injured workers in Australia.

On a more serious note, it's come to my attention that I feel that inadvertently, because Australia is such a busy establishment, the government Ministers are overloaded with their portfolios. A lot of the decisions are left to the responsibility of the personnel in their offices. I feel this needs to be looked at very very seriously. I think that government Ministers need to be accountable for the responsibility of their portfolios directly and naturally they would have to rely on a very well-trained personal assistant. Government ministers office personnel at every level should be trained with a duty of care, WHS diplomacy at the absolute upmost, and to be accountable themselves. Also adhering to a code of conduct to be written into all of their agreements for all parties concerned.

I would recommend a support person to accompany the injured worker to the IME (Insurance Medical Examiners) appointments. It is most imperative that they have a person that will attend that meeting with them, and at the very least, a nurse that's in attendance. I think that it is most imperative, I'll mention that again, either a person from the workplace of the injured worker or the rehab management group attend those meetings beforehand. Just to keep the credibility, to keep the integrity in place.

In regards to surveillance companies, I'm not really familiar with how they are contracted into the whole process of course. But I think it is imperative that they are working under police guidance or under the Federal Police guidance and certainly, the particular surveillance is sanctioned. There has to be some accountability. It must be approved at the very highest authority and the injured worker

advised that this is or may be going to happen. I think it is imperative to let people know ahead of time what to expect during the course of their recovery program.

I think disclosure statements are imperative for all Australians as well when they commence a job. Every Australian working in an Australian company now or any entity in Australia signs a disclosure statement that they well understand the responsibilities that they have, that they are qualified at the very introductory level with WHS and they fully understand that there may have been opportunity for further investigation of their particular claim if there is a discrepancy. I think there has to be integrity, honesty and no deception. There has to be full responsibility from all parties and no negligence at all. It's imperative. We are one of the finest countries in the world and I'm absolutely appalled at not only what I have had to endure personally but because I'd been teaching at TAFE for 21 years and my role has a very strong component of WHS risk management and legal compliance for business. It is imperative that every Australian is given an opportunity to protect themselves and it's imperative that every Australian workplace protect their workers. I can't express my greatest concern about this enough.

I'm looking forward to an opportunity to discussing this matter with a member of Dominic Perrottet's office or Dominic Perrottet himself and I'm fully expecting that a lot of the ideas that I've brought forward will be considered seriously. It's time to clean up Australia, there's no doubt about that. And I'd like to be part of the program certainly.

Thank you very much for your time. You may contact me at any time on .