

Submission
No 4

**INQUIRY INTO WORKERS COMPENSATION
AMENDMENT BILL 2021**

Organisation: Independent Education Union of Australia NSW ACT Branch

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Portfolio Committee No 1 – Premier and Finance
Legislative Council

MN: 172/21

Submitted online

Dear Sir/Madam

**Legislative Council Inquiry into the Workers Compensation Amendment Bill 2021
Independent Education Union of Australia, NSW/ACT Branch submission**

The Independent Education Union, which represents more than 32,000 teachers and school support staff throughout NSW and the ACT, opposes changes to the *Workers Compensation Act 1987* proposed by the NSW Government in November 2021. For staff in schools, early learning centres and other prescribed workplaces who catch COVID-19, the change will make gaining access to compensation much harder.

Under the changes, teachers and other staff in schools and early learning centres who catch COVID-19 will no longer be presumed to have caught it at work.

Rules were introduced in 2020 that meant staff in education (and other frontline services including health, aged care, transport, hospitality, and retail) who needed to make a workers' compensation claim because of COVID-19, were presumed to have been infected in their workplace.

Section 19B, introduced in May 2020, reads: "it is presumed (unless the contrary is established) that the disease was contracted by the worker in the course of the employment".

There have been hundreds of closures in schools and early learning centres because of COVID-19 cases since schools re-opened in Term 4. The government is aware of these numbers and yet wishes to keep schools and centres open. Some staff are understandably nervous about the risk to their health and the changes to workers compensation legislation will do nothing to allay their concerns.

If staff only get 10 days of sick leave a year, as many do, greater difficulty in accessing workers compensation insurance could cause real financial hardship as well the stress of being ill. The recovery time from COVID-19 is at least a fortnight.

Schools and early learning centres are crowded environments where social distancing is almost impossible. Students aged 5-11 will only be able to be vaccinated from 10 January 2022, and there is no indication of what the take-up rate will be. There is no indication as to when children aged 0-4 will be able to be vaccinated. Regardless of vaccination rates, children and young students can still transmit the virus.

How are school staff supposed to know how they caught the virus if their young students are asymptomatic and therefore not tested? It would be very difficult for someone employed in a school to prove how they caught the virus. In many cases contact tracing in schools is being conducted by school staff who will not have genomic information available.

The recent emergence of the Omicron variant has seen a spike in infections throughout the community which will likely increase in the short and medium term. It is the height of madness to decrease the protections afforded to workers in frontline services at this time.

The proposed change is harsh, heartless and unnecessary.

The NSW Government is siding with business to keep insurance premiums low, but this will be at the expense of workers. Any savings to government and business will be tiny but the impact on individual workers will be massive.

The IEU calls on the NSW Government to leave the legislation as it was amended in May 2020.

Yours sincerely

Carol Matthews
Acting Secretary