

**INQUIRY INTO WORKERS COMPENSATION
AMENDMENT BILL 2021**

Organisation: Pharmacy Guild of Australia

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**The Pharmacy
Guild of Australia**

**Submission by Pharmacy Guild of Australia
on
Workers Compensation Amendment Bill 2021 NSW
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Introduction

The Pharmacy Guild of Australia (the '**Guild**') is an employer association and welcomes the opportunity to respond to the New South Wales ('**NSW**') Legislative Council's Portfolio Committee No 1 – Premier and Finance current inquiry into the [Workers Compensation Amendment Bill 2021](#).

We appreciate the opportunity to comment on the proposed legislation. It is our intention to focus on the concept of the proposed legislation relevant to the community pharmacy sector.

About the Pharmacy Guild of Australia

The Guild is a national employer industry association representing the owners of community pharmacies which are small and medium businesses, providing a range of professional health services to the community.

These owners of Australia's 5,800-plus community pharmacies need to strike a balance between running a successful small business and providing primary and preventive health care to their patients.

While many of the Guild's members are small businesses that employ 15 or fewer employees, these community businesses account for the direct employment of more than 70,000 full time, part time and casual employees Australia wide.

As a federally registered industrial organisation, the Guild develops workplace and business policy and shapes public debate on major workplace relations and business issues.

Guild's Position

The following response by the Guild follows the invitation to comment regarding an inquiry into the Worker Compensation Amendment Bill 2021.

It is noted the proposed Legislation will repeal amendments that were made to the *Workers Compensation Act 1987* (the '**Act**') under emergency COVID-19 legislation passed by the New South Wales Parliament in May 2020.

The amendments introduced a new section 19B to the Act, whereby any worker who contracts the COVID virus is automatically deemed to have done so in the course of their employment, which subsequently triggers an entitlement to workers compensation.

If an employer disputes this deemed liability, the onus is on the employer to prove that the worker acquired the COVID virus elsewhere and not in their workplace. Whilst the reasons for the amendments were understandable during the initial COVID-19 pandemic stages, with the passage of time a deeper understanding of the COVID virus has occurred.

It is an accepted point that there is no or little evidence to suggest that most individuals are more likely or have contracted the COVID virus in their workplace than elsewhere in the community.

It is noted as the level of contact tracing is reduced; it will become nearly impossible for employers to prove that an employee did not contract the COVID virus in the workplace.

The future impact of these amendments is likely to be significant, as most employers (especially the small and medium sized) will bear the cost through higher workers compensation insurance premiums, increased personal protective equipment purchases, increased labour coverage costs due to absences and workplace monitoring. These increases are already being observed and felt by the businesses.

The Guild welcomes the amendments and suggests its passage as soon as possible.

Scott Harris

Director, Workplace Relations and Small Business Policy

Pharmacy Guild of Australia