

**Submission
No 31**

**INQUIRY INTO WORKERS COMPENSATION
AMENDMENT BILL 2021**

Organisation: Australian Education Union NSW Teachers Federation

Date Received: 14 January 2022



New South Wales Teachers Federation

a branch of the Australian Education Union
AEU NSW Teachers Federation Branch ABN 86 600 150 697



13 January 2022

In reply please quote: 936/2021/AF/ja

The Chair Ms Tara Moriarty
Portfolio Committee 1
Inquiry into the Workers Compensation Amendment Bill 2021
Parliament House
Macquarie Street
SYDNEY NSW 2000

Email: PortfolioCommittee1@parliament.nsw.gov.au

Dear Ms Moriarty

Re: Submission – Inquiry into the Workers Compensation Amendment Bill 2021

Please find attached a submission from the AEU NSW Teachers Federation re Inquiry into the Workers Compensation Amendment Bill 2021. Federation appreciates the extension provided by the committee and authorises the publication in full on the website including the name of the General Secretary.

Ms Amber Flohm, Senior Vice President and Ms Kelly Marks, Industrial Officer are the officers with responsibility for this submission.

Yours sincerely

Maxine Sharkey
General Secretary

AUSTRALIAN EDUCATION UNION
NEW SOUTH WALES TEACHERS FEDERATION BRANCH

SUBMISSION TO

NSW Legislative Council's Portfolio Committee No 1 – Premier and
Finance

ON

Inquiry into the Workers Compensation Amendment Bill 2021

Authorised by

Maxine Sharkey
General Secretary
AEU NSW Teachers Federation

13 January 2022

Introduction

The Australian Education Union NSW Teachers Federation Branch (Federation) represents teachers in all public education worksites in NSW, including public schools, preschools, TAFE and Corrective Services. The current financial membership totals over 60,000 practicing teachers and student teacher members.

Federation thanks the Committee for the opportunity to make a submission to the *Inquiry into the Workers Compensation Amendment Bill 2021* (the bill) and indicates that officers of the union are available to make further commentary on the impacts of the bill beyond those contained within this written submission.

In this submission Federation will provide some feedback on the operational impact of the section of the Act proposed to be repealed by the bill as it pertains to our members' work and experiences, as well as providing some of the relevant context for NSW public schools and TAFE colleges currently.

At the outset Federation indicates its strong opposition to the repealing of section 19B of the Act which states in part 'If a worker, during a time when the worker is engaged in prescribed employment, contracts the disease COVID-19 (also known as Novel Coronavirus 2019), then for the purposes of this Act, it is presumed (unless the contrary is established)--that the disease was contracted by the worker in the course of the employment.' Federation urges the Committee to make an unambiguous recommendation in their report that the bill be defeated if and when it is next put to the NSW Upper House.

Federation also strongly endorses submissions made by individual unions representing their members who are involved in the various sectors that are exposed to COVID-19 through their work and acknowledges the challenges and impacts that all workers on the frontline of the pandemic are facing. Federation strongly supports the recommendations they have put forward to the Inquiry.

Federation notes that the bill passed the NSW Legislative Assembly by the barest of margins, despite the fact that the community were given very little time to express their views to their local members of Parliament. That narrow vote in that short timeframe indicates the depth of community sentiment in opposition to the amendments proposed through this bill.

Federation provides the following information to support its submission to this Inquiry.

The work of teachers

There are over 2200 public schools in NSW which constitute our members' workplaces. Those settings stretch across NSW from the most isolated of towns, remote, rural and regional schools to large comprehensive metropolitan schools of over 2000 students, and everything in between, They incorporate a broad range of schools to meet the needs of our diverse student population which include schools for specific purposes, hospital schools, education training units located within juvenile justice centres, boarding schools, language centers on Saturday and many more.

Our members are in every community across NSW and as such the impact of the proposed changes will be potentially experienced through that prism, consistent with our members patterns and locations of employment,

Throughout the last two years of the pandemic our members have continued to show their extraordinary commitment and dedication to their students and school communities they serve across NSW, whether that was during remote learning periods or face to face teaching. The reality however, is that this period has taken a significant toll on our profession, with no signs of that abating. Our members continue to experience extreme burden, both professionally and personally, underpinned by uncertainty, inconsistencies, frequently changing guidelines for school operations, ever changing community settings and health guidelines and inordinate amounts of additional pressure created by political and media commentary, parental aspirations and expectations, huge hours being worked - and all within a context of state-wide staffing shortages.

The findings of the Gallop Inquiry, 'Valuing the Teaching Profession – An Independent Inquiry' released in February 2021, highlighted that teachers, executives and principals were working on average 55, 58 and 62 hours per week respectively. Such evidence predated the additional burden and workload imposed on teachers, principals and schools to accommodate not only the safe physical operations through cohorting and other measures, including contract tracing and administering of RAHT processes of schools but, also the differing modes of teaching and learning required throughout the pandemic to keep our schools operational at all times.

Our members have, and will, continue to front up to their workplaces each day facing what is now clearly a highly transmissible strain of Covid 19, not seen in previous waves to date, and a continuation of large numbers of students remaining unvaccinated attending school at the commencement of the 2022 school year.

Additional pressure applied on our members in this context, and indeed of other workers so affected by the amendments proposed by the bill, will exacerbate harm on an already fragile workforce. It will inevitably lead to greater staffing shortages which are already forecasted to worsen under the current Omicron strain and ultimately lead to further disruptions to the provision of education for our students.

The very least the government can do is to support them in their endeavours by assuring that they have the protections they need if and when they contract Covid 19 at work, without having to undertake lengthy administrative and potential legal processes to access workers compensation entitlements which were previously a presumption through the course of their work.

Shifting the onus onto teachers to prove they contracted Covid 19 in their workplace, within the current context of their hours worked, staffing shortages, lack of contact tracing and a now current exemption from isolation rules to attend work while identified as a close contact, is not only harsh and unreasonable but, amplifies our members' risk of psychosocial injury as a result of their work on the frontline of the pandemic in schools and TAFE colleges.

Further and in light of the National Cabinet's announcement this week, which included teachers and educators as Priority 1 categories for the application of work permissions and restrictions as a worker after a COVID-19 exposure in the context of an outbreak and community transmission of COVID-19, the risk of transmission to our members and subsequent potential of further family and community transmission is significantly heightened.

The hypocrisy of simultaneously determining educators as priority one essential workers for societal functioning and the state government of NSW repealing section 19B of the Workers Compensation Act, is beyond reproach.

As teachers and principals begin to prepare for the new school year, in the absence of any clear plan of what operations and safety measures will look like, Federation will continue to do all they can on behalf of their membership to ensure that the health and safety of the profession is paramount. All measures to mitigate risk and minimise infections and transmissions in their workplaces must be improved and responsive to the changing context in schools.

The NSW government too must also commit to doing all they can to provide the necessary protection for our teachers which they need and deserve.

Approximately one million people, including teachers, students and other staff in schools, walk through public school gates each day.

COVID-19 special leave does not apply to teachers who contract COVID during the course of their work. Without a presumption of contracting the virus through their work and subsequent workers compensation provisions, our members must apply for their own sick leave. This is completely unfair and unreasonable as it is a workplace injury

and the long-term effects of which are still largely unknown. The affect of which could potentially also put greater pressure on teacher shortages to operate our schools.

Over 300 public schools closed in Term 4 2021 **alone** up until mid-November due to positive covid cases and over half of the state's cases at that time were in our children and young people, the vast majority of transmission was occurring in schools. The final weeks of Term 4 saw between 30 and 40 schools impacted on a daily basis due to positive cases affecting our teachers, students and other school staff.

This situation was before we knew of the Omicron strain and the havoc it would wreak across our communities in NSW throughout December and January.

To deny teachers such protections at work displays this government's profound disrespect and contempt for the work of the teaching profession and their contribution to the ongoing education of our children across NSW.

Federation reiterates its plea to this Committee to reject such amendments which remove Workers Compensation protections for our members during the ongoing Covid 19 pandemic.