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10th May 2007

Follows is a brief from Creative Safety Initiatives and the Construction Forestry Mining Energy Union (CFMEU) about the recent changes to the legislation surrounding Comcare.

This brief was prepared for the Select Committee on Working Families scheduled for the 10th May 2007. Any information contained in this brief is available for review by committee members.

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Howard's 'fair go' doesn't extend to injured workers.

Yet again John Howard has demonstrated his commitment to big business over workers rights. If high premium paying companies opt out of state based workers compensation schemes in favour of Comcare, small businesses and sub-contractors, with currently much lower premiums, are left to support the state system. State based workers compensation systems will have no option but to collapse as the premiums that these small business and contractors would have to pay would be far too high (Is your employer...,2007). Additionally Howard has changed the legislation, reducing payouts for injured workers, citing that they were previously '*too generous*'; in fact, looking at all measures across all states and territories the payout figure has not risen since 1988 (Is your employer...,2007).

History

Comcare was set up in the 1980's to provide Worker's Compensation to a range of Commonwealth employed persons. These persons are largely 'white-collar' workers working in government departments or offices throughout Australia. This system was designed to focus on the needs of this group of workers, and to this end it is reasonably effective – its focus on Return To Work Programs and providing rehabilitation for workers suits both the nature of the workforce in these industries, and the employees that work within it (Moran, 2007).

Comcare deals with a large volume of claims every year, but a majority of these claims relate to 'mental stress' claims (Corbett & Crawshaw, 2007) and this is perhaps the reason why there are much fewer Comcare inspectors then in other schemes, particularly in the ACT and the Northern Territory where there are currently none (Is your employer...,2007).

The Federal Government has made a number of drastic changes to the legislation surrounding Comcare which has paved the way for it to operate as a national worker's compensation scheme. There is nothing inherently wrong with a national scheme; in fact the ACTU conditionally supports such a scheme (Moran, 2007). The conditions the ACTU would like to see in such a scheme include:

- Injured workers should receive weekly compensation for time off work equivalent to wages they could have expected to earn.
- If injured workers require medical assistance then this... should be of the highest standards available and tailored to the needs of the individual, and
- Injured workers are guaranteed that when they are able they can return to the workforce in the knowledge that their job is still open for them, or failing this, an equivalent and meaningful job.

Also, if your employer can prove that your current work did not cause your injury to a significant degree then you may receive fewer benefits. If you are diagnosed with Mesothelioma, for example, you may not have access to workers compensation unless you can prove that you were exposed as part of your current work with your current employer (Opposition Senators' Report...,2007). For all of these reasons it is important to lobby your employer and your unions to fight the move for big businesses to switch workers compensation schemes to Comcare.

Comcare is designed to promote Return to Work Programs, which does not suit the nature of 'blue collar' industries, or the injuries typically sustained in these lines of work (Is your employer...,2007). Comcare has reduced payouts for injuries suffered at work, many of the injuries that blue collar workers receive are incapacitating and require major lifestyle changes like accommodation alteration and nursing care, by reducing payout figures much of these needed changes for injured workers will not be able to take place (Moran, 2007).

Fewer workplace safety inspectors to police employers occupational health and safety responsibilities in such dangerous industries like construction, has the real potential to cause a human tragedy. The licensing of Australian Defence Industries (ADI) under the Comcare scheme shows just how exposed workers and the community are under these changes (Comcare moves into construction, 2007, p1-3) Two ADI sites at Point Wilson and Mangalore were covered by Victoria's comprehensive Major Hazard Facilities regulations prior to ADI's move to Comcare (Comcare moves into construction, 2007, p1-3). These regulations were drawn up in response to the 1998 Esso Longford explosion. The Commonwealth has no equivalent legislation. Comcare has promised to create similar laws but nothing has happened (Comcare moves into construction, 2007, p1-3).

By switching to Comcare big businesses will effectively destroy state-based worker's compensation schemes, or leave small businesses and sub-contractors paying intolerably high premiums, or worse – not having adequate protection for their workers in the event of a workplace accident.

Come on 'honest John' isn't Australia about a 'fair go' for all Australians.
