

PRODUCTIVITY COMMISSION

National Workers'  
Compensation and  
Occupational Health  
& Safety Frameworks

Workplace safety and after injury care are NOT A  
MARKET TRANSACTION.

They are a SOCIAL CONTRACT between the elected  
government and all of the people, and expresses  
the POLITICAL INTENT of that government.

*Presented by the members of INJURIES AUSTRALIA*

## INTRODUCTION

A GIANT TEST OF DEMOCRACY IS NOW TAKING SHAPE WITH THE ESTABLISHMENT OF THIS PRODUCTIVITY COMMISSION INQUIRY. INJURIES AUSTRALIA WELCOMES THE SUGGESTION OF A NATIONAL STANDARD WORK-SAFETY AND AFTER INJURY CARE SYSTEM PROVIDED IT WOULD GUARANTEE RETURN TO WORK FOR INJURED EMPLOYEES. ANYTHING ELSE WOULD BE JUST MORE OF THE SAME FAILED WORKCOVER SYSTEM. THE INFORMATION SUPPLIED IN THIS PAPER AND THE SUGGESTED LEGISLATIVE CHANGES PUT FORWARD HAVE RESULTED FROM THE APPALLING EXPERIENCES OF TENS OF THOUSANDS OF UNWILLINGLY WORK INJURED PEOPLE WHO ARE NOW, THROUGH NO FAULT OF THEIR OWN, UNEMPLOYED AND WRONGFULLY CONSIDERED UNEMPLOYABLE, AND THE FAMILIES OF THOSE THOUSANDS OF EMPLOYEES WHO WERE SENSELESSLY AND NEEDLESSLY SLAUGHTERED IN THE WORKPLACE.

IT HAS OFTEN BEEN SAID THAT THE CHEAPEST COMMODITY IN THE WORKPLACE IS HUMAN LIFE. IT IS THE INTENTION OF INJURIES AUSTRALIA TO SHOW THAT THIS EVIL ATTITUDE IS NOT ACCEPTED BY SOCIETY AND THAT THE RESPECT FOR HUMAN BEINGS AND THE DIGNITY OF THEIR WORK WILL BE ELEVATED TO THE RIGHTFUL PLACE.

WE SHOULD NOT LOSE SIGHT OF THE FACT THAT EVERY SINGLE TIME AN EMPLOYEE IS KILLED OR INJURED IN THE WORKPLACE THE WHOLE WORKCOVER SYSTEM HAS FAILED, AND EVERYONE WORKING IN THE SYSTEM, FROM THE MINISTER DOWN, HAVE FAILED TO CARRY OUT THE DUTIES WHICH THEIR OWN LEGISLATION REQUIRES OF THEM.

COMPARISON OF THE FIGURES ON WORK CAUSED DEATH AND INJURY IN AUSTRALIA WITH OTHER O.E.C.D COUNTRIES EXPOSES THE APPALLING STATE OF WORKPLACE SAFETY. ADJUSTING FOR THE DIFFERENCE IN POPULATION, WORK CAUSED DEATH AND INJURY IN AUSTRALIA EXCEED THAT OF THE UNITED KINGDOM BY A FACTOR OF 2, EXCEED THAT OF THE UNITED STATES BY A FACTOR OF 3 AND EXCEED THAT OF JAPAN BY A FACTOR OF 10. YET IN ITS 2000/2001 ANNUAL REPORT THE NEW SOUTH WALES WORKCOVER HAD THE GALL TO PRINT THE LIE THAT "NSW WORKPLACES BEING AMONG THE SAFEST OF THE WORLDS MODERN ECONOMIES" AND THE NSW LABOR COUNCILS OHS EXPERT (SIC) MARY YAGGER, TOLD THE INQUIRY BY THE FEDERAL PARLIAMENTARY STANDING COMMITTEE ON COMPENSATION THAT "NSW HAS A WORLDS BEST PRACTICE OH&S SYSTEM".

IT IS WORTH COMMENTING THAT THESE SAME "BEST PRACTICE" WORKCOVER PEOPLE LOST OVER \$1.2 BILLION OF WORKCOVER FUNDS GAMBLING ON THE OVERSEAS STOCK MARKET. THAT MONEY WAS TAKEN FROM EMPLOYERS TO ENSURE THE POLICING OF A SAFE WORKPLACE AND FOR THE COST OF THE MEDICAL AND SOCIAL CARE OF THE WORK INJURED. ALL OF THAT MONEY IS LOST FOREVER AND THE CARE FOR THE WORK INJURED WAS DRASTICALLY REDUCED. WE ASK, SHOULD THESE PEOPLE BE ALLOWED TO CONTINUE TO BE RESPONSIBLE FOR WORK-SAFETY AND AFTER WORK INJURY CARE IN NSW?

INJURIES AUSTRALIA WAS FORMED WITH THE AMALGAMATION OF SEVERAL INJURED PERSONS ORGANISATIONS, NOT JUST THOSE WHO WERE WORK INJURED. IT IS IN THE ARENA OF WORK SAFETY AND WORK INJURY THAT WE HAVE FOUND THE MOST APPALLING INHUMAN TREATMENT AND DELIBERATE NEGLECT OF INJURED PEOPLE. IT IS AS THOUGH THERE IS A SECRET ARRANGEMENT BETWEEN GOVERNMENTS, INSURERS, "PROFESSIONALS" AND SOME EMPLOYERS TO TOTALLY DISREGARD THE REQUIREMENTS OF THE WORK SAFETY AND AFTER INJURY CARE LEGISLATION. ANYTHING GOES AS LONG AS THEY CAN AVOID SPENDING MONEY ON THE WORK INJURED. MONEY BEING MORE IMPORTANT THAN EMPLOYEES AND THE WELL BEING OF THEIR FAMILIES. IN THEIR LUST FOR MONEY THEY HAVE OVERLOOKED A MOST IMPORTANT PRINCIPAL OF SUCCESSFUL BUSINESS MANAGEMENT. THAT WORK IS A FUNDAMENTAL DIMENSION OF OUR HUMAN EXISTENCE AND THAT CONTENTED, APPRECIATED AND SAFE EMPLOYEES ARE THE MOST VALUABLE ASSET IN ANY BUSINESS.

SURELY TO BE DENIED LEGISLATIVE PROTECTION TO BE EMPLOYED IN A SAFE AND STRESS FREE ENVIRONMENT IS UNTHINKABLE IN A MODERN DEMOCRACY. YET HIGHLY DANGEROUS WORKPLACES AND LETHAL WORK-PRACTICES DO EXIST IN AUSTRALIA. THE RESULTS CAN BE SEEN IN ANY PUBLIC HOSPITAL CASUALTY WARD AND MORGUE, OR IN PSYCHIATRISTS ROOMS.

#### COMPARISON OF WORK CAUSED DEATH AND INJURY STATISTICS.

OVER MANY YEARS THERE HAVE BEEN CONTINUAL ADVERSE COMMENTS ON THE POOR STANDARD OF AND INACCURACY OF STATISTICS RELATING TO WORK CAUSED DEATH AND INJURY. NOT THE LEAST BEING THAT OF THE NATIONAL MEDICAL RESEARCH COUNCIL WHO, IN THEIR 1999 REPORT ON ALL INJURIES, COMPLAINED THAT IT WAS DIFFICULT TO COMPILE ACCURATE WORK CAUSED INJURY FIGURES BECAUSE OF THE INCONSISTENCY OF THE DATE AVAILABLE. THIS DOCUMENT QUESTIONED THE ALTERING OF CASUALTY FIGURES OF INDIGENOUS PEOPLE. IS THE TRUTH DELIBERATELY HIDDEN?

BEFORE ATTEMPTING TO ADDRESS THE TERMS OF REFERENCE WE WISH TO OFFER OTHER STATISTICAL COMPARISONS. DURING AUSTRALIA'S II YEAR INVOLVEMENT IN THE WAR IN VIETNAM, 510 AUSTRALIAN SERVICEMEN WERE KILLED. EACH YEAR IN AUSTRALIA OVER 500 EMPLOYEES ARE SLAUGHTERED INSTANTLY AT THEIR PLACE OF WORK. FIVE TIMES THAT NUMBER WILL DIE FROM WORK CAUSED INJURY OR DISEASE. (APPENDIX ) BUT THIS FIGURE IS DISHONESTLY DISOWNED AS A WORK CASUALTY BY WORKCOVER. DURING THE JUST CONCLUDED WAR IN "DANGEROUS" IRAQ OUR SERVICEMEN WERE FORTUNATE NOT TO SUSTAIN ANY CASUALIES.

WHILST THIS WAR WAS BEING WAGED, AN ESTIMATED THIRTY SIX AUSTRALIAN EMPLOYEES WERE SLAUGHTERED AT THEIR PLACE OF WORK IN "SAFE" AUSTRALIA. ANOTHER 20,000 WERE WORK INJURED AND 200 DIED FROM WORK CAUSED INJURY AND DISEASE. HOWEVER, THERE WILL BE NO VICTORY PARADE THROUGH THE STREETS TO HONOUR THEM. IN THE WORKPLACE, LIFE IS A VERY CHEAP COMMODITY INDEED.

### ISSUES FOR DISCUSSION

#### NATIONAL FRAMEWORKS

INJURIES AUSTRALIA WOULD WELCOME A NATIONAL STANDARD OF WORKPLACE SAFETY AND AFTER INJURY CARE WHICH IS MAINTAINED THROUGH A CENTRAL DEATH/INJURY REGISTER, WHICH INSISTS ON INVESTIGATION OF EACH DEATH/INJURY INCIDENT WITH THE SOLE AIM OF ELIMINATING SIMILAR INCIDENTS IN THE FUTURE. THAT ALSO TRACKS AND MONITORS THE PROGRESS OF MEDICAL AND VOCATIONAL REHABILITATION AND GUARANTEES RETURN TO WORK FOR ALL WORK INJURED EMPLOYEES. EMPLOYEES WHO HAVE BEEN SEVERELY INJURED AND CLASSED AS TOTALLY & PERMANENTLY INCAPACITATED (TPI) USING THE DEPARTMENT OF VETERANS AFFAIRS GUIDE LINES WOULD BE SERVICED DIFFERENTLY. (PLEASE SEE NOTES) A NATIONAL SYSTEM WILL PREVENT THE CURRENT WASTE AND DISCRIMINATION BY RECOGNISING THE WORTH OF ALL EMPLOYEES AND THAT WE ARE ALL AUSTRALIANS SO THERE CAN NOT BE ANY REASON NOT TO VALUE ALL OF THE WORK FORCE EQUALLY. THE CURRENT SHAMBOLIC WORKCOVER SYSTEM THRIVES ON MONEY, POWER, LIES AND SECRECY. WE MUST REMEMBER THAT WORKCOVER CAME INTO BEING BECAUSE THE PRIVATE INSURANCE COMPANIES HAD SO RAPACIOUSLY AND INHUMANLY GROUND DOWN THE THEN WORKERS COMPENSATION SYSTEM THAT INDUSTRY AND THE TRADE UNIONS CRIED ENOUGH. WORKCOVER WHICH PROMISED FINANCIAL AND SOCIAL RELIEF FAILED TO DELIVER AND IF ANYTHING, IT MADE RESULTS 100% WORSE.

#### UNDERSTANDING PAST MISTAKES

WITH THE ESTABLISHMENT OF WORKCOVER THE FIRST CATASTROPHIC MISTAKE WAS TO ALLOW THE PRIVATE INSURERS TO BE INVOLVED AS THE "CASE MANAGERS" AND THE "FUNDS MANAGERS". IN NSW, WHERE THE GOVERNMENT WAS CONSIDERING SEVERAL OPTIONS, THE FOREIGN OWNED INSURERS STOOD OVER THE ELECTED GOVERNMENT AND THREATENED TO CAUSE FINANCIAL CHAOS UNLESS WORKCOVER WAS INTRODUCED THE WAY THAT THEY WANTED. (SEE APPENDIX ) THE THEN LABOR GOVERNMENT CAVED IN TO THESE THUGGISH DEMANDS AND THE INSURERS BECAME THE PAID AGENT OF THE NSW GOVERNMENT WITH ABSOLUTE NIL RISK TO THE INSURERS OWN MONEY.

ALL MONEY THEY COLLECTED BELONGED TO THE GOVERNMENT WORKCOVER AND ALL COSTS AND LOSSES BELONG TO WORKCOVER. WITH SUCH A COMPLICATED ARRANGEMENT THE SYSTEM WAS DOOMED TO COSTLY FAILURE.

HAVING GOT THEIR WAY TO BE IN CONTROL OF THE MONEY AND THE WORK INJURED EMPLOYEES THE INSURERS SO INCOMPETENTLY MISHANDLED THE MONEY SIDE OF AFFAIRS THAT "FUNDS MANAGEMENT" WAS SOON REMOVED FROM THEIR CONTROL AND PLACED WHERE IT BELONGED, WITH THE GOVERNMENT WORKCOVER

ALTHOUGH THE INSURERS ALSO INCOMPETENTLY MISHANDLED THE "CASE MANAGEMENT" OF THE UNWILLINGLY WORK INJURED, THE WORKCOVER MANAGERS (SIC) ALLOWED THE INSURERS TO RETAIN THE MORE IMPORTANT ROLE OF HUMAN "CASE MANAGERS" FOR WHICH THEY WERE PAID MILLIONS OF WORKCOVER DOLLARS EACH YEAR. THIS WAS TOTALLY THE WRONG THING TO DO AND LEFT NO DOUBT THAT NSW GOVERNMENT WORKCOVER MANAGEMENT (SIC) CONSIDERED THAT MONEY WAS MORE IMPORTANT THAN WORK INJURED PEOPLE.

THE WELFARE OF PEOPLE IS THE ROLE OF GOVERNMENT AND THE SOLE POLITICAL INTENT OF THE ORIGINAL WORK SAFETY AND COMPENSATION LEGISLATION IN THE FIRST PLACE. INSURANCE COMPANIES EXIST FOR PROFIT, NOT THE WELFARE OF PEOPLE.

BECAUSE WORKCOVER ALLOWED THE INSURERS TO OWN AND OPERATE THEIR OWN REHABILITATION COMPANIES THROUGH WHICH INSURERS COULD EARN BIG MONEY BY CHARGING WORKCOVER (\$120(HOUR +) ATTEMPTING TO REHABILITATE WORK INJURED EMPLOYEES TO RETURN TO WORK WAS NOT A PRIORITY. IT WAS TO THEIR ADVANTAGE TO NOT PRACTICE EARLY RETURN TO WORK AND THEY WERE PAID IN FULL EVEN WHEN THEY FAILED. THIS IS A CLEAR CASE OF A CONFLICT OF INTEREST AND SHOULD NOT HAVE BEEN ALLOWED TO BE PRACTICED. COMPLAINTS OF NIL OR POOR SERVICE BY WORK INJURED EMPLOYEES TO NSW WORKCOVER MANAGERS (SIC) WERE IGNORED. YEAR AFTER YEAR WORKCOVERS OWN FIGURES SHOW A DISMAL RESULT FOR RETURN TO WORK BY THESE INSURANCE COMPANY "CASE MANAGERS". AND THE INSURERS WERE NEVER DISCIPLINED. MOST LONG TERM INJURED EMPLOYEES IN THEIR CARE WERE DUMPED ON TO THE DOLE---MANY FOR LIFE---UNEMPLOYED AND UNEMPLOYABLE AND RELYING ON CHARITIES FOR HAND-OUTS.

WORKCOVERS OWN REHABILITATION FIGURES EXPOSE THIS UNACCEPTABLE SITUATION. THESE SAME INCOMPETENT INSURERS WILL USE EVERY TACTIC TO PREVENT ANY CHANGE TO HOW WORK SAFETY AND AFTER INJURY CARE IS CONDUCTED. IT IS INTERESTING TO RECORD HERE THAT FOR MANY YEARS NSW GOVERNMENT WORKCOVER HANDED OUT INFORMATION TO EMPLOYEES THAT THEY, WORKCOVER, GUARANTEED THE RETURN TO WORK OF WORK INJURED EMPLOYEES. (APPENDIX )

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THE SECOND MISTAKE WAS TO SEPARATE THE RESPONSIBILITY OF WORK SAFETY FROM AFTER WORK INJURY COMPENSATION. THE TWO IMPORTANT SUBJECTS ARE ABSOLUTELY JOINED AS ONE COMPLEMENTS THE OTHER. IT WAS THIS SEPARATION, ALONG WITH THE HANDS OFF SELL OUT ATTITUDE OF WORKCOVER, WHICH RESULTED IN SO MUCH CONFUSION, PHYSICAL & MENTAL STRESS AND FINANCIAL LOSS TO TENS OF THOUSANDS OF WORK INJURED PEOPLE.

THE FRAMEWORKS MENTIONS POSSIBLE DUPLICATION BY THE WORKPLACE RELATIONS MINISTERS COUNCIL AND THE HEADS OF WORKPLACE SAFETY AND COMPENSATION AUTHORITIES. WHILST THESE TWO GROUPS MAY BE WELL INTENTIONED, WE HAVE BEEN UNABLE TO FIND ANYTHING CONSTRUCTIVE OR ORIGINAL WHICH THEY HAVE PRODUCED. THIS IS BECAUSE THEY ARE SO REMOTE FROM THE CULTURE AND DYNAMIC OF AN INDUSTRIAL SITUATION THAT IT IS DOUBTFUL IF THEY WOULD HAVE EVER MET OR WOULD RECOGNISE A WORK INJURED PERSON, LET ALONE HAVE SOUGHT THEIR OPINIONS BASED ON THEIR EXPERIENCES, TO HELP IMPROVE THE SYSTEM. WORK SAFETY IS ALL ABOUT PEOPLE, NOTHING ELSE---AND IT IS WORKING MEN AND WOMEN WHO ARE UNQUESTIONABLY IN THE PRIME POSITION TO CONTRIBUTE TO THE BEST WAY THEIR WORK IS CARRIED OUT SAFELY. THEY HAVE NEVER RECOGNISED, LET ALONE ADMITTED, THAT THE DUTIES REQUIRED BY THE SAFETY AND COMPENSATION LEGISLATION ARE NOT BEING CARRIED OUT BY THE PEOPLE WHO ARE PAID TO SEE THAT THEY ARE SWIFTLY AND FULLY PERFORMED. TO DO SO HONESTLY, THEY WOULD HAVE HAD TO CONDEMN THEMSELVES AND THAT IS NEVER GOING TO HAPPEN.

AS WITH MOST THINGS IN THE FAILED WORKCOVER SYSTEM THEIR ROLE IS TO BE SEEN TO BE SEEN TO BE DOING SOMETHING, NOT TO DO IT. THEY ARE PART OF THE FAILURE. THE USE OF THE MINISTERIAL COUNCIL SHOULD BE RETAINED BUT WITH AN EXPANDED ROLE OF BEING MORE HANDS ON AND BEING IN CONTROL.

THE HEADS OF WORKCOVER COMMITTEE SHOULD BE TERMINATED.

IN THEIR PLACE, WHAT IS KNOWN AS A "REVIEW AND OVERSIGHT COMMITTEE" SHOULD BE ESTABLISHED. THIS IS NOW COMMON PRACTICE IN OTHER JURISDICTIONS. THE DUTY STATEMENT FOR SUCH A COMMITTEE IS INCLUDED FOR THE COMMISSIONS INFORMATION. (APPENDIX )

PRESENTLY THERE IS NO OUTSIDE REVIEW OF THE RESULTS OF WORKPLACE SAFETY AND AFTER INJURY CARE IN NSW. THE WORKCOVER IS ITS OWN JUDGE AND JURY AND WE CAN ALL SEE THE DISASTROUS RESULTS OF THAT COSY ARRANGEMENT.

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**INJURIES AUSTRALIA IS CONVINCED THAT ANY REVIEW OF WORK PLACE SAFETY AND AFTER INJURY CARE MUST INCLUDE AN APPRAISEMENT BY OUTSIDE INTERESTS WHO ARE NOT MAKING MONEY FROM THE SYSTEM AND ARE NOT APPOINTED BY THE I.R MINISTER. ANYTHING LESS WOULD BE DECEITFUL AS WORKCOVER METHOD OF DOING THINGS.**

**DEVELOPMENT OF AN ALTERNATIVE NATIONAL FRAMEWORK FOR WORKERS**

**COMPENSATION AND OHS.**

**THE FIRST QUESTION SHOULD BE-- WHY IS O.H&S SO INEFFECTIVE ?**

**THE ANSWER IS IN THE HISTORY. HISTORY IS NOT A SENSIBLE SEQUENCE OF EVENTS BUT IT WILL EXPLAIN PAST MISTAKES AND WE MUST TREAT THEM AS LESSONS AS THERE IS NO FUTURE IN THE PAST.**

**IF IT WAS WRONG FOR THE WORKCOVER TO ALLOW THE INSURERS TO BE INVOLVED AND THEIR ADOPTION OF AN ILLEGAL PONTIUS PILATE ATTITUDE TOWARDS WORK INJURED EMPLOYEES, IT WAS ALSO WRONG TO ALLOW THE CONTROL OF THE WORK SAFETY SITUATION TO BE HIJACKED BY VESTED INTERESTS IN INDUSTRY. WITH THE BLESSING OF WORKCOVER, THEY PROCEEDED TO TAKE CONTROL OF WORK SAFETY SO THAT COSTS WOULD BE CONTAINED REGARDLESS OF RESULTS AND SO THAT IT COULD PRESENT A FALSE IMAGE OF BEING SEEN TO BE DOING GOOD THINGS, WHEN OF COURSE THEY WERE NOT. IT HAS BECOME A MULTI-BILLION DOLLAR INDUSTRY WHICH IS NOT PAID ON RESULTS, IS ANSWERABLE ONLY TO ITSELF AND CONTROLLED BY SELF APPOINTED WELL PAID "SAFETY PROFESSIONALS". IN A TIME OF HIGH UNEMPLOYMENT OHS AS PRACTICED IS A FAILURE AS THE NEVER ENDING HIGH CASUALTY FIGURES CLEARLY SHOW. HOWEVER IN ALL FAIRNESS, INJURIES AUSTRALIA MUST STATE THAT WITHOUT THE GENUINE EFFORTS OF MANY EMPLOYERS AND EMPLOYEES TO MAINTAIN A SAFE WORKPLACE THE SITUATION WOULD BE MUCH GRIMMER THAN IT IS, WITH LITTLE CREDIT TO THE "SAFETY PROFESSIONALS".**

**AS STATED, IT IS ABSOLUTELY IMPERATIVE THAT WORKSAFETY AND AFTER INJURY CARE LEGISLATION BE WRITTEN AS A SINGLE ITEM AS IS THE COMMONWEALTHS COMCARE LEGISLATION.**

**HOWEVER THE MODEL WHICH WOULD HAVE TO BE CONSIDERED TO ACHIEVE THE REQUIRED POSITIVE OUTCOMES EXIST BUT HAS NOT BEEN INTRODUCED. IT IS A PRODUCT OF THE SHEER FRUSTRATION OF INJURED EMPLOYEES WHO WERE NO LONGER PREPARED TO BE TREATED AS SECOND CLASS CITIZENS BY GOVERNMENT WORKCOVER, THEIR INSURANCE COMPANY TODYS AND THE ABSOLUTELY RUDENESS AND IGNORANCE OF THE WORKCOVER MANAGERS (SIC). ALLOW US THE SPACE TO EXPLAIN HOW WE SEE IT WOULD BE STRUCTURED AND HOW IT WOULD WORK. EFFORTS TO EVEN DISCUSS THIS ALTERNATIVE PROPOSAL WITH THE NSW INDUSTRIAL RELATIONS MINISTER HAVE BEEN REBUFFED BY.**

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**THE INJURED EMPLOYEES STUDY ON SUCCESSFUL WORKSAFETY AND INJURY CARE.**

**HUMAN SAFETY AND WORK INJURY INDEMNITY**

THE MEMBERS OF INJURIES AUSTRALIA REALISED THAT THE WORKCOVER SYSTEM WAS NEVER GOING TO WORK AND NOR WAS IT GOING TO COVER A LONG AND THOROUGH RESEARCH PROCESS WAS ENTERED INTO WHICH STUDIED METHODS IN JURISDICTIONS OVERSEAS WHICH COMPARED THE GOOD AND BAD ASPECTS OF EACH. THERE WERE FLAWS IN ALL SYSTEMS AND THIS KEPT POINTING TO THE INVOLVEMENT OF COMMERCIAL INSURERS. IT BECAME QUITE CLEAR THAT ANY NEW METHOD WOULD REQUIRE THE REMOVAL OF THE INSURERS AND THEIR INSISTENCE ON INSURING *HUMAN* BEINGS AS A COMMODITY WHICH HAS A COMMERCIAL REPLACEMENT VALUE. THIS METHOD MAY BE CONSIDERED SATISFACTORY FOR INANIMATE OBJECTS SUCH AS BUILDINGS OR MACHINERY BUT HAS PROVED TO BE UNACCEPTABLE FOR THE DIGNIFIED, AND FAIR TREATMENT OF WORK INJURED EMPLOYEES.

TO GRASP WHAT IS TRYING TO BE ACHIEVED WILL REQUIRE OPPOSITE THINKING. FIRST REMOVE THE WORDS OCCUPATIONAL HEALTH & SAFETY--WORKERS COMPENSATION-INSURANCE. THEY ARE REPLACED WITH THE WORDS HUMAN SAFETYEMPLOYEE--WORK INJURY INDEMNITY. THINK ABOUT IT, AS THERE IS A BIG DIFFERENCE.

**THE ESSENTIAL CHANGES.**

**LEGISLATION.**

THE REPLACEMENT LEGISLATION WILL BE IDENTICAL IN ALL STATES AND TERRITORIES, WILL BE WRITTEN IN PLAIN LANGUAGE AND FOLLOW THE SIMPLE CLEAR CUT METHOD USED IN THE MOTOR TRAFFIC ACT. ONE MAJOR DEPARTURE FROM THE CURRENT LEGISLATION IS THAT THERE IS NO PROVISION FOR OR NEED FOR LITIGATION BY THE INJURED EMPLOYEE. THE WHOLE HUMAN REPAIR AND RETURN TO WORK PROCESS WILL PROCEED WITHOUT THE HINDRANCE OF FIRST OBTAINING PERMISSION FROM SOME "CASE MANAGER" WHO IS ONLY CONCERNED AS TO HOW MUCH MONEY THE INJURED EMPLOYEE WILL RECEIVE IN DAMAGES FOR NEGLIGENCE AND HAS BEEN INSTRUCTED TO LOOK FOR EVERY REASON TO REJECT THE CLAIM. MONTHS LATER!

**INJURED EMPLOYEES MEDICAL COSTS**

INSTEAD OF THE EMPLOYER PAYING A PREMIUM TO THE GOVERNMENT WORKCOVER INSURANCE SYSTEM THE MEDICAL COSTS ARE NOW TO BE COVERED BY THE EMPLOYER PURCHASING FOR EACH EMPLOYEE, TOP COVER WITH A PRIVATE MEDICAL INSURANCE COMPANY. THIS WILL ALLOW WORK CAUSED INJURIES TO BE TREATED SWIFTLY AND UNHINDERED.



ANY TREATMENT REQUIRING HOSPITAL SERVICES WOULD BE THE SAME AS IF THE INJURY HAD BEEN SUSTAINED OUTSIDE OF THE WORKPLACE AND NOT HINDERED BY "CASE MANAGERS". MINOR INJURIES WOULD BE TREATED IN HOUSE OR BY THE INJURED PERSONS OWN MEDICAL PRACTITIONER AND COVERED BY MEDICARE. NOTE. THE USE OF MEDICARE FOR WORK CAUSED INJURIES WOULD REQUIRE SERIOUS NEGOTIATIONS WITH THE FEDERAL HEALTH DEPARTMENT.

#### INJURED EMPLOYEE INCOME MAINTENANCE.

TO ENSURE THE UNINTERRUPTED CONTINUITY OF INCOME PAYMENTS TO THE WORK INJURED PERSON AN INCOME MAINTENANCE INSURANCE CONTRACT IS ENTERED INTO BY THE EMPLOYER AND THE EMPLOYEE WITH BOTH PARTIES CONTRIBUTING HALF OF THE COST. THIS WILL ELIMINATE THE CURRENT DREADFUL DELIBERATE DELAYS BY WORKCOVER/INSURERS WHERE INJURED EMPLOYEES ARE OFTEN MADE TO WAIT MONTHS FOR THEIR WAGES ENTITLEMENTS, WITH DOZENS OF BEGGING PHONE CALLS TO WORKCOVER AND THEIR INSURER/AGENTS. THIS WILL REMOVING A SERIOUS IMPEDIMENT TO THEIR MEDICAL RECOVERY WHICH THIS CRUEL DELIBERATE DELAY CAUSES. TO THOSE PEOPLE WHO DECRY ANY COST INPUT BY THE EMPLOYEES WE MUST SAY THIS AS THINGS STAND THE WORK INJURED EMPLOYEE DOES NOT HAVE THE STATUS OF A CONSUMER. THE EMPLOYER OWNS THE INSURANCE POLICY AND IS THE CONSUMER.

#### WORKPLACE SAFETY

AS STATED, IT WILL REQUIRE OPPOSITE THINKING TO TACKLE THE HORRENDOUS CASUALTY FIGURES NOW OCCURRING IN THE WORK PLACE. THE MULTI- BILLION DOLLAR OHS INDUSTRY HAS TO BE REMOVED AND THE ENORMOUS COSTS REINED IN. TO ACHIEVE THIS, EVERY SINGLE PERSON IN EACH PARTICULAR WORKPLACE, FROM THE CHAIRMAN DOWN, ARE TO BE HELD RESPONSIBLE FOR THE OPERATION OF A SAFE WORKPLACE. THE UNDERSTANDING AND THE CONTROL OF SAFETY IS TO BE NO LONGER THE ROLE OF MANAGERS ACCOUNTABILITY FOR SAFETY WILL REST WITH ALL EMPLOYEES. THE METHOD OF PRACTICING HUMAN SAFETY IS IN THE PROCESS OF COPY RIGHT SO IT IS NOT POSSIBLE TO FULLY EXPLAIN ITS WORKINGS. AT THIS TIME. PLEASE NOTE APPENDIX( ).

#### HOW WOULD IT BE POLICED?

THE LEGISLATION WOULD REQUIRE THE INSTANT REPORTING AND INVESTIGATION OF ALL INJURIES. IF A BREACH OF SAFETY HAS BEEN RECOGNISED THAN PROCEEDING WILL BE INSTIGATED IN THE LOCAL COURT. MATTERS OF FRAUD WILL BE TURNED OVER TO THE FRAUD SQUAD. NO LONGER A COMPENSATION COURT WHERE DRAWN OUT LEGAL NICETIES ALLOW THE GUILTY TO ESCAPE. TREAT A WORK SAFETY LEGAL BREACH JUST AS WE WOULD ANY OTHER CIVIL MATTER.

AS WELL THE ESTABLISHMENT OF A RESEARCH AND OVERSIGHT COUNCIL WHICH ONLY CONSISTS OF EMPLOYER AND EMPLOYEE MEMBERS WILL ASSIST IN KEEPING THE SYSTEM ON TRACK. IT HAS BEEN SUGGESTED THAT A SIMPLE ANSWER TO THE WORKCOVER MESS IS TO DRAW A LINE ACROSS THE LEDGER AND INTRODUCE THE COMMONWEALTHS COMCARE SYSTEM FOR THE WHOLE OF AUSTRALIA. THE MAJOR PROBLEM WITH THIS PROPOSITION IS THAT THE COMCARE SYSTEM IS NOT DESIGNED TO HANDLE THE SAFETY BREACHES IN HEAVY INDUSTRY----THE VERY PLACE WHERE A LARGE PROPORTION OF WORKCOVERS DUTIES NOW LIE. ALSO, COMCARE IS NOT SUCH A PROBLEM FREE PERFORMER. INJURIES AUSTRALIA MEMBERSHIP INCLUDES SEVERAL COMCARE CUSTOMERS, ONE OF WHICH HAS BEEN DRAGGING ON FOR 8 YEARS. IF THIS IS THE PREFERRED OPTION THEN MAKE SURE THAT THERE IS FIRST AN EXTENSIVE OUTSIDE REVIEW OF THE PERFORMANCE AND EFFICIENCY OF COMCARE.

#### CONCLUSION

TIME NOR SPACE WILL NOT ALLOW US TO EXPOSE MORE OF THE WORKCOVER SYSTEMS FAILINGS. HOWEVER IN CLOSING MAY WE ADD THIS. WHATEVER THE CHANGES, HOWEVER THEY ARE BROUGHT ABOUT, THE SINGLE MOST IMPORTANT ITEM WHICH NEEDS TO BE ADDRESSED WITH HONESTY AND VIGOR IS THE IMPORTANCE OF SWIFT RETURN TO WORK OF THE INJURED EMPLOYEE. NO MORE THE WORKCOVER EXCUSE THAT THE EMPLOYER HAS NO ALTERNATIVE DUTIES. ONCE THE WORK INJURED PERSON IS MOBILE IT MUST BE BACK TO THE WORKPLACE, EVEN ON RESTRICTED HOURS. ACCOUNTABLE SAFETY AND SWIFT RETURN TO WORK ARE THE KEYS TO SUCCESS. THERE CAN BE NO POSSIBLE EXCUSE TO ALLOW FOR DISCRIMINATION AGAINST WORK INJURED EMPLOYEES. WE OFFER THIS QUOTE FROM "THE THIRD WAVE" BY ALVIN TOFFLER. "BY THE TIME HENRY FORD STARTED MANUFACTURING MODEL T'S IN 1908 IT TOOK 7,882 DIFFERENT OPERATIONS TO COMPLETE ONE UNIT. IN HIS AUTOBIOGRAPHY, FORD NOTED THAT OF THESE 7,882 SPECIALISED JOBS, 949 REQUIRED STRONG AND ABLE BODIED AND PRACTICALLY PHYSICALLY PERFECT MEN" MOST OF THE REST COULD BE PERFORMED BY WOMEN OR OLDER CHILDREN AND HE CONTINUED COOLY. "WE FOUND THAT 670 JOBS COULD BE FILLED BY LEGLESS MEN, 2,637 BY ONE LEGGED MEN, 2 BY ARMLESS MEN, 715 BY ONE ARMED MEN AND 10 BY BLIND MEN. AND HE THEN WENT OUT INTO THE STREET AND RECRUITED THESE DISABLED PEOPLE AND GAVE THEM WORK IF IN 1908 HENRY FORD COULD SEE THE VALUE OF PEOPLE WITH DIFFERING DEGREES OF DISABILITY, WHY DOES NSW WORKCOVER NOT INSIST ON RETURN TO WORK. IF INJURED EMPLOYEES HAD THE RIGHT TO REMAIN IN THE WORKPLACE THE EMPHASIS WOULD QUICKLY CHANGE TO A SAFER INJURY PREVENTION WORKPLACE.

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## **PRODUCTIVITY COMMISSION INQUIRY**

NOT UNEXPECTEDLY, THE FINAL REPORT FOR THIS SO-CALLED INQUIRY DID NOT MENTION INJURIES AUSTRALIA'S COMMENTS. THE WHOLE PATHETIC CHARADE WAS TYPICAL CARR GOVERNMENT-TO BE SEEN TO BE DOING SOMETHING. AS WE STATED IN OUR SUBMISSION, THERE IS NEVER ALLOWED TO BE AN OVERSIGHT OR REVIEW OF THE NSW GOVERNMENT WORKCOVER BY NON-GOVERNMENT OUTSIDE PEOPLE. PEOPLE WHO DO NOT HAVE A FINANCIAL INTEREST IN THE RUNNING OF THE WHOLE SORRY MESS. IT WILL SNOW IN HELL BEFORE THAT WILL HAPPEN. THE REALLY SAD PART IS THAT THE MISERABLE LOT OF THE UNWILLINGLY WORK INJURED HAS NOW DETERIORATED TO SUCH A POINT THAT THE PUBLIC HOSPITAL SYSTEM IS THE PREFERRED MEDICAL TREATMENT AND THE TRADE UNIONS ENCOURAGE THEIR MEMBERS TO PAY FOR PRIVATE INCOME MAINTENANCE INSURANCE AND NOT CLAIM WORKERS COMPENSATION WHEN THEY ARE INJURED AT WORK. THUS WORKCOVER REDUCES ITS CASUALTY FIGURES AND FALSELY CLAIMS OH&S IS WORKING AND SHIFTS ITS COSTS ON TO THE INJURED WORKER- AS ALWAYS.

THIS IS SURELY A STRONG CASE FOR THE ESTABLISHMENT OF A NATIONAL STANDARD OF WORK SAFETY AND AFTER INJURY CARE WHICH IS FULLY ACCOUNTABLE, TRANSPARENT AND SIMPLE IN DESIGN AND IS OVERSEEN BY A COUNCIL COMPRISED OF EMPLOYERS AND EMPLOYEES THE PEOPLE WHO WILL BE REQUIRED TO PAY FOR IT AND WHO WILL BE REQUIRED TO USE IT.

INJURIES AUSTRALIA 1/6/2003.