

FINAL SUBMISSION

PRODUCTIVITY COMMISSION

NATIONAL WORKERS COMPENSATION  
OCCUPATIONAL HEALTH AND SAFETY  
FRAMEWORKS

INJURIES AUSTRALIA  
JANUARY 2004

## **THE BIG QUESTIONS**

TO ACHIEVE REFORMS WHICH ARE SO URGENTLY NEEDED TO THE STATE GOVERNMENT FAILED WORK SAFETY AND AFTER INJURY COMPENSATION SYSTEMS, THIS PRODUCTIVITY COMMISSION ENQUIRY MUST SURELY ASK ITSELF THESE QUESTIONS;

- (A) SHOULD THE COMMISSION WASTE ITS TIME AND DIRECT ITS TO THE STATE GOVERNMENT CONTROLLED WORKCOVER AUTHORITIES. INJURIES AUSTRALIA ASK THIS BECAUSE IT MUST BE CONSIDERED THAT THE STATES COLLECTIVELY IGNORED IN TOTAL THE WORTHWHILE RECOMMENDATIONS OF THE INDUSTRY COMMISSION ENQUIRY INTO WORKERS COMPENSATION TEN YEARS AGO, RECOMMENDED CHANGES WHICH, IF THEY HAD BEEN ADOPTED. THERE IS NO DOUBT THAT IF THESE COMMONWEALTH GOVERNMENT HAD BEEN ACCEPTED BY THE STATES THEY WOULD HAVE PREVENTED IMMEASURABLE NUMBERS OF WORK CAUSED DEATHS AND TENS OF THOUSANDS OF DEBILITATING WORK CAUSED INJURIES. THE COST SAVING TO EMPLOYEES AND EMPLOYERS WOULD HAVE BEEN HUGE.
- (B) OR SHOULD IT DIRECT ITS RECOMMENDATIONS ONLY TO THE AUSTRALIAN GOVERNMENT FOR IMMEDIATE CONSIDERATION AND URGENT IMPLEMENTATION USING THE COMMERCIAL CLAUSE IN THE AUSTRALIAN CONSTITUTION?
- (C) WHICH SHOULD HAVE THE MAIN PRIORITY, MONEY (THE PERCEIVED INDUSTRY COSTS), OR THE SAFETY AND WELL-BEING OF THE WORKING MEN AND WOMEN OF AUSTRALIA?
- (D) ARE THE NEVER ENDING AND GROWING NUMBER OF WORK-CAUSED DEATHS AND INJURY REALLY NECESSARY FOR INDUSTRY TO REACH ITS SHAREHOLDERS PROFIT TARGET? RECOMMENDATIONS WHICH THIS PRODUCTIVITY COMMISSION REPORT MAKES WILL BE CRITICALLY IMPORTANT TO THE FUTURE SAFETY AND SOCIAL WELL-BEING OF MILLIONS OF AUSTRALIAN WORKING MEN AND WOMAN AND THEIR FAMILIES AND THE CONTINUED VIABILITY OF COUNTLESS NUMBER OF BUSINESSES.

## **THE FUTURE**

FOR AUSTRALIAN EMPLOYEES THE DIRECTION TAKEN BY THESE RECOMMENDATIONS WILL DECIDE WHO WILL CONTROL THEIR SAFETY, WITH OR WITHOUT THE IMPEDIMENT OF ACCOUNTABILITY--- WHO AMONG THE UNWILLINGLY WORK INJURED WILL HAVE THE GOOD LUCK TO STILL HAVE A JOB--- WHO AMONG THE WORK INJURED WILL BE DUMPED ONTO THE DOLE FOR THE REMAINDER OF THEIR LIVES--- WHO WILL BE RESPONSIBLE TO PAY THE COST OF AND WHO WILL CONTROL A SUCCESSFUL SAFETY AND RESULTS ORIENTATED AFTER INJURY CARE SYSTEM--- WHO AMONG THE “PROFESSIONALS” WILL COLLECT BILLIONS OF DOLLARS IN INFLATED FEES FOR THEIR CONTINUED FAILURES-- **WHO DIES AND WHO LIVES.** **IT IS AS SIMPLE AND AS CLEAR CUT AS THIS.**

IN THIS FINAL SUBMISSION, THE MEMBERS OF INJURIES AUSTRALIA AGAIN ASK THE COMMISSIONERS TO CONSIDER, FOR INCLUSION IN THEIR RECOMMENDATIONS, OUR PROPOSALS FOR CHANGE BASED ON THE VERY REAL AND COSTLY BITTER EXPERIENCES OF INJURED EMPLOYEES OF THE CURRENT MURDEROUS, FAILED WORKCOVER SYSTEM. PLEASE CONSIDER THAT IT WILL ALWAYS BE THE EMPLOYEES WHO WILL BE MOST EFFECTED BY ANY CHANGE BECAUSE THEY, AND ONLY THEY, WILL HAVE TO CARRY THE REAL LOAD. IT IS ONLY EMPLOYEES WHO ARE BEING KILLED OR INJURED BY UNSAFE WORK PRACTICES OR DUMPED ON TO THE DOLE BY WORKCOVER, UNEMPLOYED AND UNEMPLOYABLE.

### **SAFETY FIRST----MONEY LAST**

THE PRACTICE OF FAIR DINKUM AUSTRALIAN ACCOUNTABLE HUMAN SAFETY IS UNQUESTIONABLY THE KEY TO THE SOLUTION OF THIS ENORMOUS SOCIAL PROBLEM. WHAT HAS TO BE PROMINENT IN THE FINAL ANALYSIS IS THE FACT THAT KILLING AND MAIMING AUSTRALIAN EMPLOYEES AT THEIR WORK IS MUCH MORE OF A SOCIAL PROBLEM THAN IT IS AN INDUSTRIAL PROBLEM. ALLOW US TO REMIND THE COMMISSIONERS THAT TEN YEARS AGO THE INDUSTRY COMMISSION ENQUIRY INTO WORKERS COMPENSATION, IN ITS CONCLUSION, STATED THAT 60% OF ALL COSTS OF WORK CAUSED INJURIES WERE CARRIED BY THE INJURED AND THEIR FAMILY----SOMETHING THAT THE STATE WORKCOVERS OR INDUSTRY SPOKES-PERSONS DID NOT CHALLENGE OR DENY. **BY THEIR COLLECTIVE SILENCE THEY ADMITTED THAT THEY KNEW IT WAS TRUE.**

TO THIS MUST BE ADDED THE BILLIONS OF COMMONWEALTH GOVERNMENT DOLLARS PAID OUT EACH YEAR IN DISABILITY PENSIONS AND UNEMPLOYMENT PAYMENTS TO ASSIST WORK INJURED PEOPLE AND THEIR FAMILIES, MANY FOR THE REMAINDER OF THEIR LIFE. AS WELL, ALSO ADD THE ENORMOUS WORKLOAD AND FINANCIAL COST TO THE STATE AND FEDERAL HEALTH SYSTEMS FOR FREE HEALTH, HOSPITAL AND PHARMACEUTICAL CARE TO THE WORK INJURED AND THEIR FAMILIES AND WE SOON SEE WHO ACTUALLY PAYS THE BILL FOR THE UNSAFE WORK PRACTICES TOLERATED AND NOT EVEN INVESTIGATED BY THE FAILED WORKCOVER SYSTEM. THIS COST TO THE AUSTRALIAN TAXPAYER IS IMMORAL WHEN WE REMEMBER THAT THESE EMPLOYEES WERE SUPPOSEDLY COVERED BY WORKERS COMPENSATION INSURANCE. THIS EXPOSES THE LIE PUT ABOUT BY THE PAID INDUSTRY SPOKES PERSONS THAT **ALL** OF THE COSTS OF THE WORKERS COMPENSATION SYSTEM IS PAID FOR BY INDUSTRY.

AN ANALYSIS OF WHO REALLY PAYS FOR WORK INJURIES WOULD PUT INDUSTRIES SHARE AS SMALL---AT LESS THAN 20%. YET ALL WE HAVE HEARD DURING THIS ENQUIRY FROM INDUSTRY IS MONEY, MONEY, MONEY. SAFETY IS NOT IN THEIR VOCABULARY.

YET THEY CLAIM THAT ONLY THEY SHOULD HAVE CONTROL OF AND ALL THE SAY ON SAFETY AND AFTER INJURY CARE--AND WORKCOVER, QUITE INCORRECTLY, ALLOWS THEM TO DO JUST THAT. THE MEMBERS OF INJURIES AUSTRALIA HAVE ALWAYS FOUND THE EXTENT OF THE ARROGANCE, INDIFFERENCE AND THE IGNORANCE OF THE INSTANT EXPERTS PAID BY INDUSTRY TO SPEAK ON ITS BEHALF TO BE MIND BOGELING.

WHY NOT USE THE EXPERIENCE OF WORK INJURED PEOPLE (NOT LABOR COUNCIL STOOGES) AND ALLOW THEM EQUAL INPUT TO ALL DISCUSSIONS WHICH WILL PREVENT DEATH AND WORK CAUSED INJURIES. NO KNOWS THE PROBLEMS BETTER THAN THE WORK INJURED.

WITH RESPECT, WE ASK THE PRODUCTIVITY COMMISSONERS TO PLEASE REMEMBER THAT WHAT EVER THE MONETORY COST PAID BY WHICH EVER PARTY, IT DOES NOT RECOGNISE NOR COVER THE COST OF THE PAIN, THE TRAUMA, THE HUMILIATION, THE ABUSE AND NEGLECT BY WELL PAID WORKCOVER OFFICIALS AND THEIR INSURANCE AGENTS AND THE MANIPULATIVE INCOMPENTANT INSURANCE CASE MANAGERS, AND THE SHEER ILLEGAL BEHAVIOUR OF SOME EMPLOYERS. ALL OF WHICH HAS AN UNBELIEVEABLE ADVERSE EFFECT ON THE MEDICAL RECOVERY OF THE WORK INJURED.

### **CHANGES---WHY REMAIN WITH A FAILURE**

FOR CHANGE TO OCCUR WE NEED TO ADOPT OPPOSITE THINKING.

WE ASK THE COMMISSIONERS TO RECOGNISED THAT O.H&S AS PREACHED AND PRACTICED IN AUSTRALIA IS A FAILURE. IF IT WAS ANY WAY NEAR AS GOOD AS CLAIMED BY THE “SAFETY PROFESSIONALS”, SOCIETY WOULD NOT HAVE THE BURDEN OF THE EVER INCREASING NUMBER OF DEATHS AND INJURIES IN THE WORKPLACE. **O.H.&S IS A MULTI BILLION DOLLAR INDUSTRY WHICH IS NOT HELD ACCOUNTABLE FOR ITS FAILURES**, IS CONTROLLED BY BIG BUSINESS AND EMPLOYS THESE SELF-APPOINTED “SAFETY PROFESSIONALS” WHO COLLECTIVLY LACK THE ALL- IMPORTANT INGREDIENTS OF EMPATHY, HUMAN UNDERSTANDING AND INDUSTRY EXPERIENCE.

ALL THAT SOME OF THEM POSSESS IS A PIECE OF PAPER FROM SOME OBSCURE PLACE OF LEARNING WHICH THEY OBTAINED BY CORRESPONDENCE WITH ONLY THE MINIMUM OF INDUSTRY EXPOSURE. THE CONSEQUENCE TO THE WORKING MEN AND WOMAN OF AUSTRALIA OF THIS ABSURD ARRANGEMENT IS LETHAL.

ASK YOURSELF WOULD YOU RISK YOUR HEALTH TO A DOCTOR WHO HAD OBTAINED HIS “QUALIFICATIONS” BY CORRESPONDENCE?

INJURIES AUSTRALIA ASKS WHY SHOULD THE LIVES OF WORKING MEN AND WOMEN BE EXPOSED TO THE INEXPERIENCE OF THESE UN-ACCOUNTABLE INSTANT EXPERTS?

LET US REMOVE THE FAILED O.H& S SYSTEM AND REPLACE IT WITH **ACCOUNTABLE HUMAN SAFETY** WHICH MAKES EVERYONE ACCOUNTABLE FOR WORK PLACE SAFETY--- NOT JUST THE “SAFETY PROFESSIONALS” OR THE “MANAGERS”.

WALK INTO ANY FACTORY AND CONVERSE WITH EMPLOYEES AND IT BECOMES EVIDENT JUST HOW KNOWLEDGEABLE THE STAFF ARE ON SAFETY ISSUES. THEY KNOW WHERE THE FLAWS ARE, THEY KNOW WHAT IS NEEDED TO ENSURE THEIR OWN WELLBEING. THEY CARRY THE FRUSTRATIONS OF BEING IGNORED ON GENUINE SAFETY ISSUES WHILE MANAGEMENT (SIC) INSIST THAT ONLY THEY KNOW BEST AND THAT THE “RISK MANAGEMENT” SYSTEM, INSTALLED AT GREAT COST, HAS ALL PROBLEMS SOLVED AND IS THE ONLY WAY TO GO.

STAFF KNOW THAT WHEN ONE OF THEIR NUMBER IS KILLED OR INJURED THAT THE REAL PURPOSE OF RISK MANAGEMENT IS TO HIDE THE REAL CAUSE, COVER THE BOSS’S BACK SIDE AND THROW THE INJURED EMPLOYEE AND THEIR FAMILY TO THE COMPO INSURANCE COMPANY FOR DISPOSAL OFF THE COMPANY PAY ROLE AND ONTO COMMONWEALTH GOVERNMENT SOCIAL SECURITY.

INJURIES AUSTRALIA ASKS THE PRODUCTIVITY COMMISSIONERS TO CONSIDER THE FINDINGS OF THE RECENT ENQUIRY INTO THE N.S.W GOVERNMENT WATERFALL TRAIN CRASH. IT EXPOSED A TYPICAL EXAMPLE OF O.H&S/RISK MANAGEMENT AT ITS VERY BEST (OR WORST), WHERE MAJOR RISKS AND FLAWS IN THE SAFETY SYSTEM WERE CONTINUALLY REPORTED AND CONTINUALLY IGNORED BY MANAGERS WHO CONTROLLED THE “RISK MANAGEMENT” SYSTEM.

THE NEW SOUTH WALES STATE RAIL AUTHORITY IS AWASH WITH “SAFETY PROFESSIONALS” AND HAS SPENT A FORTUNE AS A PROPONANT OF “RISK MANAGEMENT”. YET THE FINDING OF THIS ENQUIRY, ONE YEAR AFTER THE EVENT, CLEARLY EXPOSES THE LIE WHICH O.H&S/RISK MANAGEMENT TRULY IS---“MANAGE” (IGNORE) WARNINGS, DO NOT SPEND MONEY AND LET THE WORKERS TAKE THE RISK.

THE ENQUIRY DESCRIBED THE MANAGEMENT ATTITUDE AS “A DISASTER WAITING TO HAPPEN”--- AND NOW 14 PEOPLE ARE DEAD.

THE MOST INTERESTING POINT WITH THIS PREVENTABLE TRAGEDY IS THAT THE TWO SENIOR “MANAGERS” WERE SACKED AFTER THE FINDINGS OF THE ENQUIRY. THIS IS THE FIRST TIME KNOWN TO INJURIES AUSTRALIA WHERE THOSE RESPONSIBLE FOR HUMAN SAFETY WERE DISMISSED FOLLOWING A WORK PLACE DEATH, ESPECIALLY IN THE PUBLIC SERVICE.

TO THOSE PEOPLE WHO CLAIM THAT “RISK MANAGEMENT” HAS REDUCED THEIR INJURY RATE, INJURIES AUSTRALIA SAYS THAT ALL YOU HAVE ACHIEVED IS A STANDARD OF SAFETY WHICH THE LEGISLATION REQUIRED YOU TO PRACTICE IN THE FIRST PLACE. THE SAME STANDARD OF WORK SAFETY WAS ALWAYS ACHIEVED BY RESPONSIBLE COMPANIES WHO WERE GENUINLY CONCERNED ABOUT STAFF WELLBEING. WE MAKE NO APOLOGIES IF SOME “MANAGERS” ARE OFFENDED BECAUSE WE BELIEVE WE HAVE TO SPEAK UP AND BECOME THE ENEMY OF THIS MUDDLE HEADED POPULIST NONSENSE AND ITS UNACCOUNTABLE PRACTITIONERS.

**INJURIES AUSTRALIA ASKS THE PRODUCTIVITY COMMISSION THAT CONSIDERATION BE GIVEN TO RECOMMEND THAT RISK MANAGEMENT AS APPLIED TO WORK SAFETY BE BANNED. SIMPLY, IF THERE IS A RISK OF DEATH OR INJURY TO EMPLOYEES SURELY IT MUST BE THE RESPONSIBILITY OF EMPLOYERS TO CEASE WORK TILL THE RISK IS REMOVED, WITHOUT CONSIDERATION OF ANY COSTS INCURED.**

### **RETURN TO WORK**

ASSUMING THAT THE IMPORTANCE OF THE PRACTICE OF ACCOUNTABLE HUMAN SAFETY IN THE WORK PLACE IS UNIVERSALLY INTRODUCED, HOW IMPORTANT IS THE RETENTION OF EMPLOYMENT FOLLOWING A WORK CAUSED INJURY?

IT IS OF CRUCIAL IMPORTANCE TO THE WORK INJURED EMPLOYEES AND TO AUSTRALIA. GOOD BUSINESS PRACTICE AND COMMON DECENCY SHOULD MAKE IT EQUALLY IMPORTANT TO THE OWNERS AND MANAGERS OF SUCCESSFUL COMPANIES.

YET A RECENT SURVEY REVEALS THAT THERE IS APPROXIMATELY A JOB LOSS RATE OF 50% AMONG WORKERS COMPENSATION CLAIMANTS. **WHAT A WASTE TO AUSTRALIA!**

INJURIES AUSTRALIA IS AWARE THAT MOST INJURED EMPLOYEES WHOM THEY CAME IN CONTACT WITH HAD LOST THEIR EMPLOYMENT AS A DIRECT RESULT OF THE INJURY.

MOST HAD NOT BEEN OFFERED OR RECEIVED VOCATIONAL REHABILITATION WHICH WOULD HAVE SUPPLIED THEM WITH THE TRAINING TO RETURN TO WORK.

BEING UNEMPLOYED AND CONSIDERED UNEMPLOYABLE WAS A SECOND INJURY----THOUGH NOT PHYSICAL, THERE IS NO DOUBT IT WAS DELIBERATLY INFLICTED FOR FINANCIAL AND PSYCHOLOGICAL REASONS AND MAY CONTRAVINE THE COMPENSATION LEGISLATION.

MUCH HAS BEEN SPOKEN AND WRITTEN BY ALL OF THE STATES VARIOUS INDUSTRIAL RELATIONS MINISTERS ABOUT INJURY “MANAGEMENT” (THAT WORD AGAIN) AND THE IMPORTANCE OF RETURN TO WORK BUT NOTHING IS DONE TO ENSURE THAT IT HAPPENS. THIS IS BECAUSE THE STATES KNOW THAT THEY CAN, WITH IMPUNITY, DUMP THEIR COLLECTIVE SOCIAL AND FINANCIAL RESPONSIBILITIES ONTO THE AUSTRALIAN GOVERNMENT WHO WILL HAPPILY ACCEPT THE COST OF PAYING FOR THE ONGOING FINANCIAL SUPPORT OF THE WORK INJURED AND THEIR FAMILIES AS WELL MEET ALL OF THEIR MEDICAL AND PHARMACEUTICAL COSTS. YET INJURIES AUSTRALIA CANNOT FIND ANY RECORD OF A SIGNED AGREEMENT BETWEEN ANY FEDERAL MINISTER AND THE STATES FOR THE COMMONWEALTH TO PAY WHAT IS CLEARLY THE STATES RESPONSIBILITY. THIS IS ESPECIALLY IMPORTANT WHILST THE INSURANCE CLAIM HAD STILL NOT BEEN SETTLED IN SOME STATE LEGAL SYSTEM. **WE WERE ALL TRICKED INTO BELIEVING THAT ALL OF THESE COSTS WERE COVERED BY THE PAYMENT OF INSURANCE PREMIUMS WERN’T WE.** IT IS JUST PART OF THE GRAND LIE THAT INDUSTRY PAYS FOR ALL OF THE COST OF A WORK CAUSED INJURY. **THEY DON’T!**

FOR THE PRODUCTIVITY COMMISSIONERS TO FURTHER APPRECIATE THIS ENORMOUSLY COSTLY HAND OUT BY THE FEDERAL TREASURY TO COVER THE STATE GOVERNMENTS INSURANCE LIABILITIES AND THE DEBILITATING EFFECT THESE HAD FREE GIFT HAS ON THE WORK INJURED AND THEIR FAMILIES, WE OFFER THIS;

INJURIES AUSTRALIA, SEEKING TO REINFORCE ITS CLAIM THAT THE STATES ARE PAUPERISING TENS OF THOUSANDS OF WORK INJURED PEOPLE WITH THE UNWITTING AID OF THE FEDERAL TREASURY, SOUGHT ASSISTANCE FROM ANOTHER SOURCE. THE WE ASKED THE PLAINTIFF LAWYERS ASSOCIATION IF THE WOULD CANVAS THEIR MEMBERSHIP AS TO THE PERCENTAGE OF THEIR CLIENTS WITH A WORKERS COMPENSATION CLAIM, WHO WERE RECEIVING FINANCIAL ASSISTANCE FROM THE COMMONWEALTH GOVERNMENT. THE FOLLOWING ARE EXTRACTS FROM A SAMPLE OF THE REPLIES RECEIVED THIS MONTH. WE DESCRIBE THIS INFORMATION AS ANECDOTAL AS THE SURVEY WAS NOT AN ACADEMIC EXERCISE. ACADEMIC RESEARCH ON THIS SUBJECT WILL BE CARRIED OUT FULLY IN THE VERY NEAR FUTURE AND THE RESULTS PUBLISHED TO EXPOSE THE RORT.

**AN EXAMPLE OF THE REPLIES WHICH A.P.LA RECEIVED AND PASSED ON.**

**1** IN RESPONSE TO YOUR EMAIL ASKING FOR THE PERCENTAGE OF PEOPLE WITH A WORKERS COMPENSATION CLAIM WHO ARE DEPENDENT ON SOCIAL SECURITY—I HAVE 43 WORKERS COMPENSATION FILES OF WHICH 18 OF MY CLIENTS ARE ON SOCIAL SECURITY.

**2** IN RESPONSE TO YOUR EMAIL 15.1.04 RE SUBMISSION TO THE ABOVE, MY INQUIRIES SUGGEST ANECDOTALLY THAT APPROX. 40% OF OUR FIRMS WORKCOVER CLIENTS ARE ON CENTRELINK BENEFITS.

IN MY EXPERIENCE ALMOST EVERYONE WHO MAKES A CLAIM FOR WORKERS COMPENSATION ENDS UP ON OR REQUIRES ASSISTANCE FROM SOCIAL SECURITY. WE HAVE APPROXIMATELY 100 WORKERS COMPENSATION CLAIMS WHERE WE ARE CLAIMING DAMAGES FOR NEGLIGENCE. OF THESE WE WOULD ESTIMATE THAT APPROX. 60% OF THESE ARE UNABLE TO RETURN TO WORK, THEIR BENEFITS WITH WORKCOVER HAVE CEASED AND THEY ARE TOTALLY RELIANT ON CENTRELINK BENEFITS.

**3** I HAVE A CLIENT WHO HAS TO REPAY (TO CENTRELINK) \$22K WHEN HIS COMMON CLAIM AGAINST HIS EMPLOYER RESOLVED.

**4** 3 OUT OF MY 4 CURRENT WORKCOVER CLIENTS ARE LIVING ON SOCIAL SECURITY PAYMENTS.

ONE CLIENT, WHOSE MATTER RECENTLY SETTLED (ON A COMMERCIAL BASIS ONLY ) WAS LIVING IN A TENT AND FISHING IN THE LOCAL CREEK, IN ORDER TO HAVE SOME FOOD.

ANOTHER CLIENT, WHO NOW HAS NORMAL WORK CAPACITY, SOLD HIS HOUSE AND PURCHASED A CHEAPER HOUSE APPROXIMATELY 100KM AWAY FROM THE FIRST HOUSE SO THAT HE AND HIS WIFE COULD HAVE SOME FUNDS. THESE HAVE NOW BEEN FULLY SPENT ON TREATMENT AND HE AND HIS WIFE ARE TOTALLY DEPENDANT ON SOCIAL SECURITY.

I DO A REASONABLE AMOUNT OF WORKCOVER CLAIMS IN QLD.

I BELIEVE THE PERCENTAGE WOULD BE THIS (IN APPROXIMATE FIGURES)

ABOUT 30% OF MY CLIENTS WILL NEVER BE ABLE TO RETURN TO ANY WORK WITH THEIR PREVIOUS EMPLOYERS, DUE TO THEIR INJURIES.

CONSEQUENTLY, ONCE THEIR WORKCOVER CLAIM CEASES (WHICH OFTEN ONLY 6 MONTHS OR SO AFTER THE INJURY ), THEY NORMALLY HAVE TO GO ON TO CENTRELINK BENEFITS.



THEIR CAPACITY TO FIND WORK IS THEN OFTEN EXTREMELY LIMITED.

OF THOSE OTHER WORKERS THAT REMAIN AT WORK ON RESTRICTED DUTIES OR LIGHT DUTIES ( OFTEN IN A MEANINGLESS POSITION FOR WHICH THEY HAVE NO EXPERIENCE OR QUALIFICATIONS ), WHICH WOULD BE ABOUT A FURTHER 30%, ONCE THEIR WORK CLAIMS CEASE I WOULD SAY THAT AT LEAST 50% OF THEM ARE MADE REDUNDANT ( THROUGH “RESTRUCTURING” ETC.) OR ARE “FORCED” TO RESIGN THROUGH DISSATISFACTION AT THE MEANINGLESS JOB THEY WERE FORCED TO DO.

IN SUMMARY, THEN, I WOULD THINK AT LEAST 45% OF MY CLIENTS WHO HAVE WORKCOVER CLAIMS ARE FORCED TO RESORT TO CLAIMING CENTRELINK BENEFITS AT ONE TIME OR ANOTHER FOLLOWING A WORK RELATED INJURY.

AS WELL, SOME OF THE REPLIES RECEIVED INCLUDED A SENARIO SUCH AS THESE.

1. STATE SCHEMES ENCOURAGE PEOPLE TO TRADE IN THEIR COMPENSATION RIGHTS FOR SMALL LUMP SUMS AND GO ON SOCIAL SECURITY. THIS EFFECTIVLY MOVES THE BURDEN FROM THE EMPLOYER OR WORKPLACE INSURANCE SCHEME TO THE WHOLE COMMUNITY. THE COMMONWEALTH RESPONDS BY TRYING TO TAKE MONEY FROM THE INJURED PERSON WHEN REALLY IT IS THE INSURER, EMPLOYER R SCHEME THAT GETS THE MAJOR BENEFIT.

2. A PERSON HAS A RIGHT TO COMPENSATION FOR INCOME BUT THE AMOUNT OF SUCH COMPENSATION DOES NOT EXCEED THE AMOUNT THEY WOULD BE INTITLED TO ON SOCIAL SECURITY. AS THEY LOOSE \$ FOR \$ THERE IS NO INCENTIVE TO TRY AND ENFORCE THEIR RIGHT TO COMPENSATION. WHY SHOULD THEY TAKE A RISK, PAY A SOLICITOR OR DO ANY OTHER ONEROUS THING WHEN THERE IS NO BENEFIT TO THEM. THE COMMONWEALTH WOULD BE BETTER OFF INDEMNIFYING SUCH PEOPLE AND ASKING THEM TO PURSUE THEIR COMPENSATION RIGHTS.

INJURIES AUSTRALIA TRUSTS THAT THESE EXAMPLES OF HOW THE STATES INSURANCE SYSTEM IS FAILING TO MEET ITS RESPONSIBILITIES WILL ASSIST THE PRODUCTIVITY COMMISSIONERS TO APPRECIATE THE ENORMITY OF THE PROBLEM AND WILL PROVE USEFUL TO THEM WHEN THEY MAKE THEIR FINAL RECOMMENDATIONS. THE SOCIAL SECURITY SYSTEM WAS NOT DESIGNED NOR INTENDED TO SUPPLY INTEREST FREE LOANS TO THE STATES WORK INSURANCE SCHEMES OR TO LEND MONEY TO PEOPLE FORCED (ILLEGALLY) TO WAIT MONTHS FOR THEIR STATE GOVERNMENT WORK INJURY INSURANCE PAYMENTS.

REMEMBER, THAT ALL COMMONWEALTH MONEY AND MEDICAL ASSISTANCE RECEIVED

BY THE INJURED EMPLOYEES HAS TO **BE REPAID TO THE COMMONWEALTH BY THE INJURED EMPLOYEE SHOULD THERE BE A CASH SETTLEMENT BY THE INSURER.** SOCIAL SECURITY WAS NEVER INTENDED TO BE USED TO ALLOW FOR WORK INJURED PEOPLE TO BE DUMPED OUT OF THE EMPLOYMENT WORLD, CLASSIFIED AS USELESS. IT IS THIS DISCARDING OF EMPLOYEES WHO ARE WORK INJURED WHICH CAUSES SO MUCH GRIEF. YET THE COMMONWEALTH ASSISTS THIS DISCRIMINATION BY PAYING BENEFITS TO INJURED PEOPLE WHO ARE THE RESPONSIBILITY OF THE STATES. EACH YEAR THE AMOUNT OF COMMONWEALTH MONEY BEING SIPHONED OFF BY THE STATES TO MANIPULATE THE INJURED WORKERS SYSTEM AMOUNTS TO BILLIONS OF DOLLARS. **IS THIS THE WORLDS GREATEST EVER CONFIDENCE TRICK?**

**INJURIES AUSTRALIA ASKS THE PRODUCTIVITY COMMISSION TO GIVE CONSIDERATION TO RECOMMENDING TO THE AUSTRALIAN GOVERNMENT THAT APPLICATIONS FOR CENTALINK PAYMENTS BY WORK INJURED PEOPLE BE REFERED TO THE APPROPRIATE STATE GOVERNMENT MINISTER FOR ATTENTION BY THE STATES COMPENSATION INSURANCE SYSTEM SHOULD THEIR CLAIMS FOR WORK INJURY INCOME MAINTAINANCE AND COMPENSATION FOR WORK PLACE SAFETY NEGLIGENCE BE UNRESOLVED AND THE WORK INJURED PERSON IS UNEMPLOYED.**

### **RETURN TO WORK**

ALTHOUGH RETURN TO WORK (RTW) HAS ALWAYS BEEN A REQUIREMENT OF THE WORKCOVER SYSTEM, LITTLE WAS DONE TO PUT IT INTO PRACTICE. WHAT EXISTS IS EXACTLY THE OPPOSITE, AND AS WE HAVE SHOWN, EACH YEAR THOUSANDS OF WORK INJURED PEOPLE LOOSE THEIR EMPLOYMENT FOLLOWING A WORK CAUSED INJURY. AS RECENTLY AS THE 12<sup>TH</sup> JANUARY 2004, THE PRIME MINISTER CALLED ON INDUSTRY TO GIVE CONSIDERATION TO OFFERING EMPLOYMENT TO SOME OF THE 670,000 AUSTRALIANS NOW LIVING ON A DISABILITY PENSION. THIS IS AMOST COMMENDABLE MOVE AS THE WEALTH OF TALENT AND SKILLS LANGUISHING ON FEDERAL GOVERNMENT PENSIONS IS ENORMOUS. AMONG THE MEMBERSHIP OF INJURIES AUSTRALIA ARE PEOPLE FROM ALL TRADES AND CALLINGS UP TO THOSE PEOPLE WITH A PHD. IT IS A WASTE OF INDUSTRIAL SKILL WHICH AUSTRALIA CANNOT AFFORD TO LOSE IF WE ARE TO BE COMPETATIVE ON THE WORLD MARKET.

WE BELIEVE THAT AS MANY AS 33% OF DISABILITY PENSIONERS AND UNEMPLOYMENT CLAIMANTS WERE DUMPED ON TO A COMMONWEALTH PAYMENT SYSTEM BY THE STATES FAILED WORKCOVER SYSTEM. BUT SUCH FIGURES HIGHLIGHT THE IMPORTANCE OF A WORK SAFETY AND AFTER INJURY CARE SYSTEM WHICH IS NOT MONEY ORIENTATED BUT WHICH PRACTICES ACCOUNTABLE SAFETY PRACTICES AND RESULTS BASED (RETURN TO WORK) POLICIES WHICH ARE UNCOMPLICATED, SIMPLE TO FOLLOW AND HIGHLY VISABLE.

HOWEVER, AS WELL INTENTIONED AS THE PRIME MINISTERS REQUEST TO INDUSTRY MAY BE, IT WILL NOT SUCCEED BECAUSE THE INDUSTRY ATTITUDE TO DISABLED PEOPLE HAS BEEN LARGLY POISONED BY THE DELIBERATE DISCRIMINATION AGAINST INJURED PEOPLE PREACHED OVER MANY YEARS BY THE INSURANCE INDUSTRY.

INSURERS HAVE FOR LONG THREATENED EMPLOYERS THAT TO EMPLOY A PERSON CARRING A DISABILITY, HOWEVER IT WAS AQUIRED, IS A "RISK" AND WILL EFFECT THEIR WORKERS COMPENSATION PREMIUMS, ESPECIALLY SHOULD THAT DISABLED PERSON HAVE THE MISFORTUNE TO BE AGAIN INJURED. THIS THREAT WAS OPENLY PREACHED AT SEMINARS ETC. (OUR REPRESENTATIVES WERE PRESENT) AND EMPLOYERS RESPONDED THE WAY THE INSURERS WANTED.

IT IS ANOTHER EXAMPLE OF WHY HUMANS SHOULD NOT BE INSURED LIKE SOME THROW AWAY INANIMATE OBJECT AND WHY INSURANCE COMPANIES SHOULD BE REMOVED FROM THE SYSTEM OF WORK SAFETY AND AFTER INJURY CARE. THEIR ONLY INTEREST IS MONEY, AND THEY OPENLY CONSIDER HUMANS TO BE TOTALLY DISPOSABLE.

UNQUESTIONABLY IT IS THIS HEARTLESS MONEY CENTERED ATTITUDE WHICH HAS CREATED THE POOR SAFETY SITUATIONS AND WHOLESAL NEGLECT OF THE WORK INJURED---AND THUS THE SUBSIQUENT PROBLEM WHICH IS THE VERY REASON FOR THIS PRODUCTIVITY COMMISSION ENQUIRY.

IF WORK SAFETY WAS PRACTICED SUCCESSFULLY BY INDUSTRY THE PROBLEM OF UNEMPLOYMENT WITH WORK INJURED PEOPLE WOULD NOT EXIST.

SURELY IT IS NOT UNREASONABLE TO ASK FOR CONTINUITY OF EMPLOYMENT FOR THE UNWILLINGLY WORK INJURED. WHY SHOULD THE WORK INJURED BE DISCRIMINATED AGAINST FOLLOWING A WORK CAUSED INJURY WHEN THEIR EMPLOYER IS RESPONSIBLE FOR THE QUALITY OF SAFETY IN THE WORK PLACE? WHY SHOULD THE COMMONWEALTH BE EXPECTED TO PAY OUT UNEMPLOYMENT BENEFITS FOR SOMETHING WHICH IS COVERED BY COMPULSARY INSURANCE?

**INJURIES AUSTRALIA REQUESTS THAT THE PRODUCTIVITY COMMISSION TO GIVE CONSIDERATION TO RECOMMENDING THAT SWIFT RETURN TO USEFUL/MEANINGFULL EMPLOYMENT MUST BE A PRIMARY OBJECT OF ANY FUTURE COMPULSARY WORK SAFETY AND AFTER INJURY CARE SYSTEM. SHOULD IT REQUIRE RETRAINING TO MEET THIS NECESSARY GOAL, THAT A SECOND INJURY FUND BE ESTABLISHED WHICH WILL MEET ALL COSTS. THE RETRAINING MUST BE OF SUCH QUALITY TO SUCCESSFULLY RETURN THE WORK INJURED PERSON TO EMPLOYMENT, AND THUS ENSURE THAT THEY AND THEIR FAMILY DO NOT BECOME A BURDEN TO THE COMMONWEALTH SOCIAL SECURITY OR THE WHOLE COMMUNITY.**

### **THE NEED FOR ACCURATE UP TO DATE RECORDS**

ANOTHER OF THE DAMNING FLAWS IN THE WORKCOVER SYSTEM IS THE DEPLORABLE STATE OF THE STATISTICAL RECORDS OF THE REAL NUMBER OF DEATHS AND INJURIES IN THE WORKPLACE. THIS INACURACY WAS HIGHLIGHTED RECENTLY BY THE FOOLISH STATEMENT PUT OUT BY THE COMMONWEALTHS NATIONAL OCCUPATION HEALTH & SAFETY COMMISSION. THE COMMISSION QUOTED ONLY WORKCOVER (THE INSURER) FIGURES WHICH WERE CHALLENGED VIGEROUSLY BY THE TRADE UNIONS AS BEING FALSE WHEN IT STATED THAT ONLY **297** AUSTRALIANS WERE KILLED AT WORK IN 2001-2. THIS CONTRASTS WITH THE **WORKSAFE** FIGURES OF **2700** WORKERS DEATHS BY WORK CAUSES PUBLISHED IN JUNE 2001. THE TRADE UNIONS QUITE CORRECTLY POINTED OUT THAT THERE ARE NOW 25% OF THE WORKFORCE NOT COVERED BY WORKERS COMPENSATION AND ARE THEREFORE NOT INCLUDED IN ANY WORKCOVER TALLY. TO THIS SHOULD BE ADDED THE THOUSANDS OF INJURY CLAIMS IGNORED OR REJECTED ON SOME MINOR POINT BY WORKCOVER (THE INSURER) AND IT EXPOSES THE MISTAKE MADE BY N.O.H&S COMMISSION.

COMPARED TO THE ACCURACY OF MOTOR VEHICLE CASUALTIES WHICH ARE EXTENSIVE AND UP TO DATE, IT WOULD APPEAR THAT COLLECTIVLY THE WORKCOVER PEOPLE JUST DON'T CARE OR THEY ARE DELIBERATLY DISTORTING THE TRUTH FOR FINANCIAL GAIN. THE INACCURACY OF THE WORK DEATH AND INJURIES STATISTICS WAS COMMENTED ON BY **THE NATIONAL HEALTH & MEDICAL RESEARCH COUNCIL**, WHICH WERE UNABLE TO GATHER ACCURATE FIGURES OF WORK CAUSED DEATH AND INJURIES FOR THEIR 1999 NATIONAL SURVEY OF **ALL INJURIES**.

THERE WERE COMMENTS THAT IT APPEARED THAT WORK INJURY FIGURES MAY HAD BEEN ALTERED, ESPECIALLY THOSE CONCERNING INDIGENOUS AUSTRALIANS WHICH IS SOMETHING WHICH SHOULD BE QUITE CONCERNING TO LEGISLATORS.

AS IT IS OBVIOUS THAT THE STATES DO NOT WISH TO CONSIDER THE IMPORTANCE OF ACCURATE DEATH AND INJURY STATISTICS WHERE WORK SAFETY AND INJURY PREVENTION ARE CONCERNED. A NATIONAL DATA BASE, WHERE ALL WORK CAUSED DEATHS AND INJURIES AUSTRALIA WIDE ARE RECORDED, IF ESTABLISHED, WOULD SUPPLY ACCURATE FIGURES TO GUIDE INDUSTRY AND LEGISLATORS, HIGHLIGHT PARTICULAR TROUBLE INDUSTRIES WHICH REQUIRE ATTENTION, SHOW WHERE SAFETY IS BEING PRACTICED SUCESSFULLY WOULD INCLUDE THE RATE OF SUCCESSFUL RETURN TO WORK..

EVEN IF THE WORKCOVER SYSTEM IS RETAINED, (HEAVEN FORBID) A NATIONAL REGISTRATION OF WORK INJURIES WOULD DISPLAY TRUTHFUL STATISTICS AND THE NUMBER OF WORK INJURED PEOPLE WHO ARE STILL AWAY FROM THEIR WORK, HOW MANY ARE RECEIVING INCOME MAINTENANCE AND BY PUBLISHING RESULTS SUCH AS THE NUMBER RETURNED TO WORK. THIS WOULD HELP PREVENT STATE GOVERNMENT INSURERS FROM AVOIDING THEIR SOCIAL AND FINANCIAL RESPONSIBILITIES AND DUMPING INJURED EMPLOYEES ON TO THE PUBLIC HEALTH AND SOCIAL SECURITY SYSTEMS. THE SECRECY WHICH SURROUNDS THE CURRENT METHODS OF STATE GOVERNMENT WORKCOVER, ALONG WITH THE DELIBERATE FALSIFICATION OF CASUALTY FIGURES, IS DESIGNED TO COVER THE EXTENT OF THE TRUE STATE OF THE SLAUGHTER AND INJURY IN THE WORK PLACE AND BY DOING SO ALLOWS THE POOR PERFORMERS, BE THEY EMPLOYER OR EMPLOYEE TO CONTINUE THEIR DEADLY PRACTICES.

**INJURIES AUSTRALIA REQUESTS THAT THE PRODUCTIVITY COMMISSION GIVE CONSIDERATION TO THE ESTABLISHMENT OF A NATIONAL WORK CAUSED DEATH AND INJURY REGISTAR WHICH WILL BE CONDUCTED BY THE NATIONAL OCCUPATIONAL HEALTH & SAFETY COMMISSION. SUITABLE COMMONWEALTH LEGISLATION WOULD REQUIRE BOTH INJURED EMPLOYEES AND EMPLOYERS, IMMEDIATELY FOLLOWING INJURY, TO FORWARD A COMPLETED INCIDENT REPORT, WHICH WOULD BE AVAILABLE FREE FROM ANY POST OFFICE. THE FIGURES**

**COLATED ARE TO BE PUBLISHED MONTHLY ON A REGIONAL, STATE AND NATIONAL LEVEL. UNCOOPERATION WOULD RESULT IN COURT ACTION .**

13.

**IS THERE A MORE EFFICIENT METHOD OF WORK SAFETY AND AFTER INJURY CARE?**

INJURIES AUSTRALIA BELIEVES THERE MOST CERTAINLY IS A BETTER WAY OF ENSURING THAT EMPLOYEES WORK IN ASOLUTE SAFE CONDITIONS AND RECEIVE TIMELY, FULL AND SUSSESSFUL AFTER INJURY CARE AND RE-EMPLOYMENT AND OFFER THE FOLLOWING FOR CONSIDERATION;

WHILE EVER EMPLOYEES ARE INSURED AGAINST WORK CAUSED DEATH AND INJURY USING THE COMMERCIAL, FOR PROFIT, INSURANCE MODEL WHICH PLACES A MYTHICAL MONETRY VALUE ON PARTS OF THE HUMAN BODY, THERE WILL ALWAYS BE CONFLICT BETWEEN EMPLOYER AND EMPLOYEE. COSTS WILL CONTINUE TO BE FAR TO HIGH AS THE FIRST CONSIDERATION OF SUCH A SYSTEM IS ALWAYS THE PROFITS WHICH ARE EXTRACTED AT SEVERAL LEVELS FROM THE PREMIUM PAYMENTS TO FEED THE INSURANCE COLABORATORS WORKING WITHIN THE **THE INJURED WORKER INDUSTRY.** INJURED EMPLOYEES WILL CONTINUE TO LOSE THEIR EMPLOYMENT AND BECOME A UNNECESSARY BURDEN ON THE TAXPAYER AND THE PUBLIC HEALTH SYSTEM. AND IF THE WORKCOVER SYSTEM REMAINS AS IT NOW IS, THE PRIME MINISTERS DREAM TO RE-EMPLOY THOSE ON DISABILITY PAYMENTS WILL REMAIN JUST A DREAM.BECAUSE WORKCOVER WILL DUMP THOUSANDS MORE ON TO DISABILITY PENSIONS. THE REAL LOOSER IS AUSTRALIA.

INJURIES AUSTRALIA HOPES THAT IT HAS SHOWN THE PRODUCTIVITY COMMISSIONERS THAT SEPERATING THE WORK SAFETY REQUIREMENTS AND LEGISLATION FROM THE AFTER INJURY CARE FUNCTION AND INSURING PEOPLE, AND BITS AND PIECES OF THEIR BODIES, AS THOUGH THEY WERE A SOULLESS OBJECT IS INSULTING, COSTLY AND NON-PRODUCTIVE. BECAUSE SUCH INSURANCE SCHEMES ARE HELD TO BE NON-ACCOUNTABLE FOR THE RESULTS, THE MAIN PURPOSE OF ALL SUCH INSURANCE SCHEMES IS TO FIRST SERVICE THE MANY PEOPLE WHO MAKE A LIVING OUT OF IT BEFORE ASSISTING THE WORK INJURED. THIS STATEMENT IS UNDENIABLE AS THE HORENDOUSLY POOR RECORD OF THE WORKCOVER SYSTEM IS CLEARLY VISIBLE FOR ALL TO SEE.

## **WHY NOT CHANGE TO WORK PLACE BASED SAFETY AND INJURY CARE SYSTEM.**

14

LET US DO AWAY WITH THE COMMERCIAL INSURERS. LET US NO LONGER PUT A MYTHICAL VALUE ON PARTS OF THE HUMAN FORM. LET US COVER THE COST OF ALL MEDICAL TREATMENT AND SUPPLY INJURED EMPLOYEE WITH INCOME UPKEEP UNTILL THEY ARE BACK AT WORK THEIR WORK OR ARE RETRAINED TO TAKE UP OTHER EMPLOYMENT. LET US DO AWAY WITH LUMP SUM PAYMENTS, SEEN BY MANY AS A REWARD FOR INJURY AND THE CHEAPEST POSSIBLE COP-OUT FOR THE WORKCOVER PEOPLE. LET US DEVELOPE A SYSTEM WHICH IS SAFE, HAS THE TASK TO REPAIR WORK INJURED PEOPLE AND RETURNS THEM TO EMPLOYMENT WITHOUT THE HINDERANCE OF COURT ACTION FOR PAULTRY "COMPENSATION" PAYMENTS. HOWEVER, LET US ALLOW FOR COMMON LAW LITIGATION IF A PERSON SHOULD SO WISH, WHICH CAN ONLY BE INSTIGATED AFTER THE INJURED EMPLOYEE HAS COMPLETED ALL HIS/HER MEDICAL TREATMENT AND HAS BEEN RETURNED TO USEFUL EMPLOYMENT. THE ONLY EXCEPTION WOULD BE THOSE PEOPLE DEEMED TO BE TOTALLY AND PERMANANTLY INCAPACITATED (TPI) USING THE STANDARDS NOW SET BY THE DEPARTMENT OF VETERANS AFFAIRS.

### **HOW IS IT PAID FOR?**

BY HAVING THE EMPLOYER AND THE EMPLOYEE JOINTLY PURCHASE;

(A) TOP COVER WITH A PRIVATE HEALTH INSURER OF THEIR MUTUAL CHOICE WHICH SUPPLIES 24 HOUR COVER FOR THE EMPLOYEE WITH A CLEAR CUT DEVIDE BETWEEN WORK CAUSED AND NON-WORK CAUSED INJURIES.

(B) INCOME MAINTENANCE INSURANCE WHICH CAN BE USED APART FROM SICK DAYS, TO COVER LOST TIME BY EITHER WORK CAUSED INJURY OR NON-WORK CAUSED INJURY, WITH THE USUAL PRECLUSION TIME.

THE CONDUCTING OF SUCH A SYSTEM WOULD REQUIRE HONEST CO-OPERATION BETWEEN EMPLOYER AND EMPLOYEE WHICH IS POLICED BY THE STATES INDUSTRIAL RELATIONS DEPARTMENT. ANY DISPUTES MUST BE CONDUCTED IN THE NORMAL COURT SYSTEM, NOT IN THE INDUSTRIAL RELATIONS COURT WITH PENALTIES WHICH WOULD EMPHASISE THE IMPORTANCE OF THAT CO-OPERATION BETWEEN ALL STAFF. A

IMPORTANT POLICING FACTOR IN THIS ARRANGEMENT WOULD BE THAT ALL WORK CAUSED INJURIES MUST BE REPORTED, NO MATTER HOW MINOR, AND INVESTIGATED BY THE I.R. STAFF. THEIR REPORT WILL BE AVAILABLE TO BOTH EMPLOYER AND EMPLOYEE.

15

AS A BACK UP SAFEGUARD, BOTH EMPLOYER AND EMPLOYEE CAN ARRANGE FOR AN INDEPENDENT REPORT, AT THEIR OWN COST, WITHOUT ANY HINDERANCE FROM EITHER PARTY, SHOULD THEY SO WISH.

THESE INVESTIGATION PROCEDURES ARE PARAMOUNT IF DEATH AND INJURY ARE TO BE REDUCED IN THE WORK PLACE. WE LEARN FROM OUR MISTAKES, YET WITH WORK CAUSED INJURIES THERE IS NO **COMPULSORY INCIDENT INVESTIGATION PROCEDURE.** HOW CAN WORKCOVER LEARN AS TO WHAT CAUSES INJURIES IF IT SO DISINTERESTSD IN THE EFFECT IT HAS ON OTHER HUMANS BY NOT BEING BOTHERED TO FIND OUT WHY? THIS IS THE WORKCOVER INBUILT INDIFFERENCE WHICH IS CLOSELY COUPLED WITH THEIR INABILITY TO LISTEN.

.WHAT WE HAVE PRESENTED HERE IS A SYSTEM WHICH IS NOT BASED AROUND THE INSURANCE DENIAL AND LITIGATION MODEL AS TO WHO PAYS FOR WHAT OR AS TO WHAT INJURED PEOPLE SHOULD OR SHOULD NOT BE PAID FOR THE INJURY. THE FIRST RESPONSIBILITY IS TO SWIFT AND UNFETTED FULL MEDICAL TREATMENT FOR THE INJURED EMPLOYEE AND THE SECOND RESPONSIBILITY IS TO AVOID INTERUPTION TO HIS/HER INCOME WHILST THE MEDICAL RECOVERY IS BEING CARRIED OUT.

THE MEMBERS OF INJURIES AUSTRALIA, UNLIKE THE INSTANT EXPERTS WHO SPEAK FOR WORKCOVER AND INDUSTRY, HAVE ALL BEEN THROUGH THE FARCE WHICH IS THE FUNDEMENTAL BASIS OF THE CURRENT WORKCOVER. THEY HAVE ALL SAID THAT IF THEY HAD BEEN TREATED AS THE LEGISLATION PROMISED AND HAD RECEIVED COMMON COURTESY AND CIVILITY BY ALL INVOLVED, THAT THERE WOULD NEVER HAVE BEEN NEED FOR ANY LITIGATION AND THE SUBSEQUENT TRAUMA TO THEMSELVES AND THEIR FAMILY. THEY ALL SAY THAT THE PAULTRY AMOUNT OF “COMPENSATION” RECEIVED FROM THE COURTS WAS AN INSULT WHEN COMPARED TO THE TREATMENT THEY RECEIVED AND THERE ACCUMILATED FINANCIAL LOSS. IT ONLY HIGHLIGHTED THE INJUSTICE OF THE WHOLE COSTLY SYSTEM.



INJURIES AUSTRALIA HAS SPENT THE PAST FOUR YEARS CANVASSING THIS PROPOSAL TO MANY EMPLOYERS. ONCE THE INITIAL SCEPTICISM IS OVERCOME, AND THE SYSTEM FULLY EXPLAINED, THE RESPONSE WAS 100% POSITIVE. EVERYONE SAW THE COST ADVANTAGE AND MANY ADMITTED THAT THE SOCIAL RESULTS WERE CERTAINLY WORTH GIVING IT A TRIAL.

16

**WE TWICE PRESENTED THIS PROPOSAL TO THE AUSTRALIAN BUISNESS CHAMBER BUT THEY CHOSE TO TOTALLY IGNORE US AND THEY DID NOT HAVE THE DECENCY NOR THE COURTESY TO RETURN OUR PHONE CALLS! WE CAN ON BELIEVE THAT WHAT WE HAVE HERE IS A GOOD THING FOR EMPLOYERS AND EMPLOYEES BUT NOT SO GOOD FOR THEIR INSURER MATES.**

**INJURIES AUSTRALIA ASKS THE PRODUCTIVITY COMMISSION TO GIVE CONSIDERATION TO THE INTRODUCTION OF A NON JUDGEMENTAL SYSTEM OF MEDICAL AND FINANCIAL COVER FOR AUSTRALIAN EMPLOYEES WHICH ALLOWS THE EMPLOYER AND THE EMPLOYEE TO JOINTLY CONTRIBUTE TO A MEDICAL AND INCOME MAINTENANCE SYSTEM TO COVER WORK CAUSED INJURIES**

### **HUMAN SAFETY**

HAVING REALISED THAT NON-ACCOUNTABLE O.H& S/"RISK MANAGEMENT" WAS A FAILURE AND THAT ITS SOLE PURPOSE IS TO BE SEEN TO BE DOING SOMETHING, WE WENT SEARCHING FOR SOMETHING WHICH WOULD WORK WITH THE WELL BEING OF THE EMPLOYEE AS FIRST PRIORITY. LENGTHY DISCUSSIONS WITH MANY EMPLOYEES AND SOME OF THEIR EMPLOYERS REVEALED A BELIEF THAT THOSE WHO KNEW THAT THEY HAD A SAFE WORKPLACE WERE THOSE WHO TRUSTED EACH OTHER AND WERE IN A BUSY YET CARING WORKPLACE. PEOPLE WATCHED OUT FOR EACH OTHER. STAFF HAD THE MAJOR INPUT INTO SAFETY. STAFF WERE QUESTIONED ON PROPOSED WORK CHANGES. THERE WAS A CONSTANT COMMUNICATION AT ALL LEVELS AS TO SAFETY AND ENVIROMENT NEEDS. STAFF WERE REWARDED FOR SAFE WORK, NOT WITH MONEY BUT

WITH PAID TIME OFF (EXTRA LEAVE). EVERYONE HAD A VESTED INTEREST IN ASSISTING EVERYONE ELSE. UN-COOPERATIVE PLAYERS WERE MOVED ON.

BUILDING ON THIS INFORMATION, PLUS EXAMPLES OF HOW WORK SAFETY WAS CONDUCTED IN OTHER COUNTRIES WHICH HAD A NON INSURED SAFETY AND COMPENSATION SYSTEM, WE EVOLVED THE IDEA OF THE INTRODUCTION OF **ACCOUNTABLE HUMAN SAFETY**

## **17**

THE ENGINE OF SUSTAINABLE **HUMAN SAFETY** IS INTEGRITY. INTEGRITY IS KING AND INTEGRITY MEANS A LOT MORE THAN JUST PARROTING SAFETY SLOGANS COPIED FROM “RISK MANAGEMENT” DISCS. INTEGRITY IS NOT JUST ABOUT LYING, CHEATING, STEALING. IT IS ABOUT TELLING PEOPLE THINGS WHICH THEY DON’T WANT TO HEAR. APPLIED TO HUMAN SAFETY IT MEANS PRESENTING A BALANCED APPROACH IN EVERYTHING WHICH WILL EFFECT PEOPLES SAFETY.

THIS ALL LEADS TO THE SUBSTANCE, EXECUTION AND OPERATIONAL KNOW HOW WHICH IS SHARED BY ALL LEVELS OF STAFF FOR THE BENEFIT OF ALL STAFF. IT MEANS ALWAYS REMAINING ACCOUNTABLE TO YOUR FELLOW WORKERS. OF ALL THE SAFE WORKPLACES WE ENCOUNTERED, THEY ALL HAD THIS ALMOST VISABLE PRESENCE OF CARE. THIS IS NOT SOMETHING NEW, IT’S PROBABLY AS OLD AS MAN, BUT IT SURE WORKS BETTER THAN THE WORKCOVER INSURANCE MODEL.

**INJURIES AUSTRALIA ASKS THE PRODUCTIVITY COMMISSION TO GIVE CONSIDERATION TO THE RECOMMENDATION THAT THE COMMONWEALTHS NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION INVESTIGATES THIS NONINSURANCE COMPANY METHOD OF WORK SAFETY WHICH IS SO SUCCESSFUL IN OTHER JURISDICTIONS WITH THE CLEAR INTENT TO ITS INTRODUCTION AUSTRALIA WIDE AS SOON AS POSSIBLE**

## **CONCLUSION**

**INJURIES AUSTRALIA** IS AWARE THAT WHAT WE HAVE PROPOSED TO THE PRODUCTIVITY COMMISSION MAY BE OUTSIDE THE REQUIREMENTS OF THIS ENQUIRY, BUT WE TRUST THAT

WHAT WE HAVE WRITTEN WILL BE ACCEPTED AS A TRUE ATTEMPT BY THE PEOPLE WHO ARE MOST EFFECTED PHYSICALLY, EMOTIONALLY, FINANCIALLY AND SPIRITUALLY BY THE FAILED WORKCOVER SYSTEM. WE HAVE WRITTEN ABOUT THE TRUE SITUATION WHICH EXISTS IN MANY INDUSTRIES AND THE CHANGES WHICH, IF INTRODUCED, WHICH WILL RESULT IN A SAFER WORKPLACE, A HUMANE AFTER INJURY CARE SYSTEM WILL BE A HUGE SAVING TO AUSTRALIA.

18

THERE IS ABSOLUTLY NO NEED TO KILL OR INJURE PEOPLE AT THEIR WORK YET STATE GOVERNMENTS, AS INSURERS AND THEIR EMPLOYEES AS AGENTS IN THE INSURANCE INDUSTRY, FIRMLY BELIEVE THAT WHAT EVER HAPPENS TO KILLED OR INJURED EMPLOYEES IS **NORMAL** AND THAT ALL INJURED EMPLOYEES ARE BLUDGERS AND THEY AND THEIR FAMILY SHOULD BE DUMPED ON TO THE FEDERAL GOVERNMENT FOR MEDICAL AND FINANCIAL UPKEEP.

UNLIKE OUR DETRACTORS, THE MEMBERS OF **INJURIES AUSTRALIA** HAS A GENUINE VESTED INTEREST IN A BETTER WORK PLACE SAFETY AND AFTER INJURY CARE SYSTEM. AS WE HAVE DEMONSTRATED HERE, OUR PEOPLE ARE CONSTANTLY SEEKING BETTER WAYS OF DOING THINGS AND WE ARE ALWAYS SEEKING THE TRUTH IN A SEA OF WORKCOVER LIES. THE COMMONWEALTH GOVERNMENTS RECENT PARLIAMENTARY ENQUIRY INTO FRAUD WITHIN THE WORKERS COMPENSATION SYSTEM DISPLAYED THE EXTENT OF THE FALSE IMPRESSION ABROAD AS TO WHO IS THE CULPRIT. USING DATA SUPPLIED BY OVERSEAS GOVERNMENT AGENCIES WE WERE ABLE TO SHOW THAT WHERE THE FRAUD SUBJECT IS INVESTIGATED THAT THE MAJOR CULPRITS WERE FOUND TO BE THE INSURERS, DOCTORS, LAWYERS, "HEALTH PROFESSIONALS" AND ALL THE ASSORTED CAMP FOLLOWERS ASSOCIATED WITH THEIR **INJURED WORKER INDUSTRY**. INJURED WORKER FRAUD WAS THE SMALLEST AMOUNT OF MONEY RECOVERED.

INJURIES AUSTRALIA IS PROUD THAT ONE OF THEIR MEMBERS HAS BEEN GRANTED A CHURCHILL FELLOWSHIP TO TRAVEL TO NORTH AMERICA AND EUROPE TO STUDY FRAUD WITHIN THE WORKERS COMPENSATION SYSTEM. THIS RESEARCH WILL EXPLORE THE EXTENT OF FRAUD, WHO ACTUALLY COMMITS FRAUD AND HOW IT IS HANDLED AND HOW THE GUILTY PARTIES ARE PUNISHED. IT HAS LONG BEEN RECOGNISED THAT FRAUD, IN ITS MANY FORMS, HAS BEEN A HUGE FINANCIAL DRAIN ON THE SAFETY AND COMPENSATION SYSTEM. THE FINDINGS ARE TO BE PUBLISHED AND THEY SHOULD BE MOST USEFUL FOR STATE GOVERNMENT WORKCOVER SHOULD THEY BOTHER TO TAKE THE TIME TO STUDY

THEM. TO COMPLEMENT THIS RESEARCH WE ARE NOW CONDUCTING RESEARCH INTO THE EXTENT OF FRAUD IN AUSTRALIA.

FINALLY WE WISH TO THANK THE COMMISSIONERS AND THEIR STAFF FOR THE COURTESY AND ATTENTION WHICH THEY HAVE ALWAYS EXTENDED TO OUR MEMBERS AND WE WISH THEM ALL A SAFE AND PRODUCTIVE FUTURE WITH THIS MOST IMPORTANT WORK. INJURIES AUSTRALIA IS ALWAYS AVAILABLE TO DISCUSS HUMAN SAFETY AND CARE AT ANY TIME.