

National Workers' Compensation
And
Occupational Health & Safety Frameworks

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PRELUDE

In April 1999 I had a work related accident, with no liability placed upon me. I fell 5 metres, landed on the ground and started on a roller coaster ride that changed my life

I started in this Industry back in 1982 and after 17 years in the construction industry I've seen a lot of changes. One of the most significant changes is the growth of the O.H.&S. industry within the construction industry

Companies have had to incorporate cost savings to pay for the ever-increasing costs of O.H.&S. The compliances, the statistics, and the paper trails the list goes on. The more the paper work the more impressive a company looks.

Then when you come down to the work place the only time you see or hear from representatives be it company or government is when an accident occurs. Then there's the notification of Department blitzes everyone is forewarned of these. Definition of safety "a period between two accidents". Here are some of my concerns.

HISTORY

Accident happened	April 1999,
D.I.T.E.R. report	June 1999,
Q Board determination	July 2000 – Permanent/partial incapacity. - Back/Ankle

Sickness benefits.

Mutually agreed - left company September 2000

My income protection started November 2000 – duration 2 years

After applying for many full time jobs in different industries and being unsuccessful, due to the explanation of my reason for the Career change, I acquired a part time job.

In the interim I've lost \$190 000 in wages,

- Loss of superannuation
- Added costs in medical services
- Added costs in child care services
- My wife has had to return to full time employment
- Reduce my capital investments

Continually relying on family to help cover expenses eg: retraining, tuition, and children's education too, today still waiting on finalisation of common law claim.

The average time is 5 years for a case like mine – my solicitor has given this information.

I'm lucky to have a supportive family and an understanding bank.

Once my income protection insurance started, all sickness benefits were paid back. I have to pay full price on all medication and are not eligible for support from government agencies i.e.: re training for job placement.

The question from this information, once the procedures of D.I.T.E.R and Q Board are finalized. Why is there such a delay in common-law cases leaving the injured worker in limbo? In my case still being able, through foresight, - income protection insurance and acquiring a part time job. Also with my wife returning to full time employment, we are still able to provide the necessities to keep our house and put food on the table, and we still rely heavily on our family for support.

CONCERNS

Self Insurance National Company

Who regulates them eg: Guidelines/frame work

1. 100% weekly compensation payment while injured
2. Rehabilitation provided by own doctor.
 - a) Company initiated doctors/specialists who had no idea of the work environment.
 - b) A lot of the time was spent explaining the work environment eg; hours worked; equipment used; machinery worked with.
3. Once finalization of Injuries/incapacity.
 - a) Rehab and retraining was addressed but not followed through.
4. Sent home with no pay until return to normal duties could be performed. Going against medical advice.
5. Went on sickness benefits until finalization of employment. Then my personal income protection insurance took over.
6. Leaving under mutual terms. The offer was generous, but only accepted what was owed.

Access and Coverage

Who is to provide a safe working environment?

I was employed by a General Crane Hire company to perform duties requested eg: Crane, rigging, transport, warehousing just to provide a few examples. We as employees asked the question, 'Who is to provide a safe working environment?' Such as equipment; fall arrest systems.

Our company was adamant the company we were hired to was responsible, and then when arriving on the job site; we found minimal requirements weren't met. Then the company we were hired to stating, 'Your Company is responsible'.

In some instances Work Health and Safety Inspectors have been called into resolve issues.

In the middle of this the employee is pressured to perform his duties under duress, increasing the risk of accidents occurring.

- Inferior safe work practices
- Hours worked on site

So, in highlighting a problem, who is responsible for an employee.

- Employer?
- Principal contractor?
- Sub Contractor?

Benefit structures/Cost sharing and cost shifting.

To have a work related injury you are employed, hence paying income tax, Medicare levy, and superannuation tax, GST etc. Paying large amounts of taxes.

For a single person the government gave the option of private medical cover or pay extra Medicare benefit.

For the family man the cost of private medical cover, and to still pay Medicare levy is a win win situation for the government.

The average construction industry employee, their incomes are above average and for most, their priorities are investing for the future. Private medical benefits do not cover work related accidents, so, once again another benefit wasted while still having to pay for it.

So, when compensation payments cease, the injured worker is faced with the full cost of everything when in limbo between compensation and the common law claim.

The government is happy to take, take, take but when the injured worker needs assistance to survive they're nowhere to be found to help, help, help.

SUMMARY

In an Industry that is so cut throat. Where Companies are chasing the bottom line. The worker/employee suffers the most. First we are employed for our braun then as we progress in the construction industry our brains are recognized. We as employees formulate how things can be done efficiently and more cost effective without enhancing safety.

Bureaucracy lets down those who need it when it's needed the most.

With the push of a higher educated community the basic infrastructure of any life style needs addressing, less apprentices, the average age of the skilled work force is getting older. Employers want 17 year olds with 10 years experience and only pay them minors' rates.

Because of the higher costs of maintaining a company. Cutting costs to win contracts. There's no space for introducing new and young people into the construction industry. Training on a regular basis, keeping up with new and amended regulations.

These problems arise after the fact.

You look at the shape of a tree
The canopy is bureaucracy and management
The trunk; workers providing
The root system; the youth population

There's no time or money to siphon the youth through the trunk.
So the youth population skip the trunk and head to the canopy through higher education leaving less and less people to provide
I haven't answered any questions, just given more food for thought and areas that need addressing

O.H.&S should incorporate training.

Thank you for listening